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PRACTICAL GUIDE

TO THE

LAW OF EDUCATION

WITH THE

Text of all the Acts and Forms.

BY

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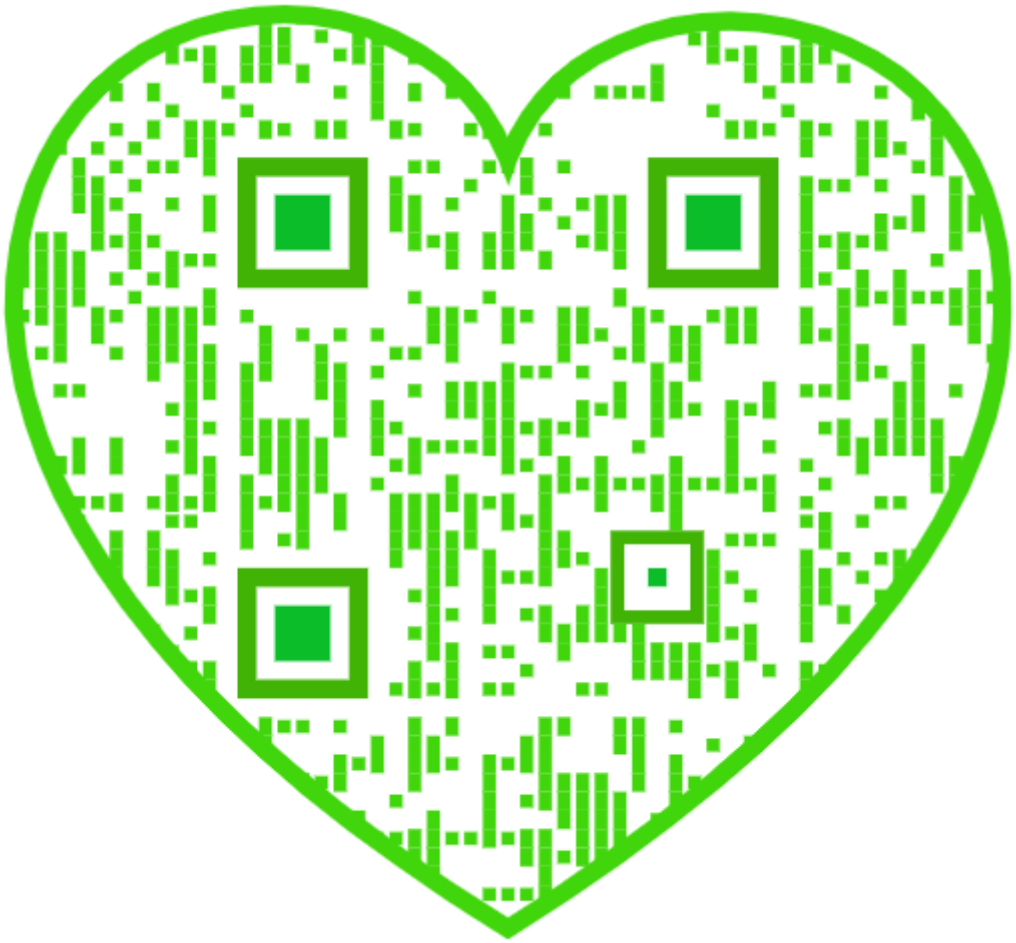
OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW.

LONDON:
SWEET & MAXWELL, Ld., 3, CHANCERY LANE,
Law Publishers.
1903.



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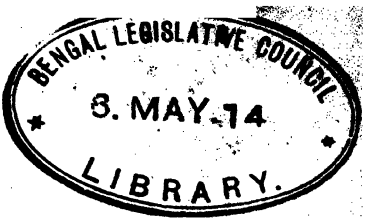
LONDON AND TONBRIDGE.



PREFACE.

This book was suggested to me on reading Section 5 of the original Bill of the Education Act of 1902. It seemed to me then, and the opinion was subsequently fortified by what was said in the House—I think by Sir Joseph Leese—that those who might have to administer the Act not being experts nor elected *ad hoc* would find themselves at a disadvantage when called upon to find out what were their powers and duties by wading through and comparing many Acts of Parliament. Of those Acts I was entirely ignorant when I commenced, but by dint of reading and re-reading I acquired and arranged that knowledge which I here lay at the service of those who may require it. The way has been long and arduous, and many times I have been inclined to give it up, for as I said, I am no educational expert, and a fool might well hesitate to rush in where angels have apparently feared to tread. I have tried to systematize, as much as in me lies, the powers and duties of those who may be called upon to administer the new Act. The matter is open to all, the system has been dictated to me by those who have gone before in the analysis and arrangement of legal facts. My indebtedness to those to whom I have just referred is great; to those who have aided me with their living assistance and counsel it is no less so, and in particular are my thanks due to my friend C. R. Sillem, Esq., of Lincoln's Inn, whose the Index—without which a Law Book is as a pathless garden full of good things which cannot be got at—in great part is,

and whose wise counsel has aided me to unravel many mysteries, and has set me right when tripping. Also to my clerk, Mr. G. Parnell, am I greatly indebted for his willing and untiring collection of the materials contained in the Appendices, without which I could not have completed the work, at all events in anything like reasonable time. Lastly I am much beholden to my publishers, Messrs. Sweet and Maxwell, for in the first place kindly undertaking to publish the book, and for their patience in enduring the ever and apparently endless growth of the MS. during its period of production. I can only hope that they may have their reward.

3, Plowden Buildings, Temple,
May 6th, 1903.

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LAW OF EDUCATION.

PART I.

THE LOCAL EDUCATION AUTHORITY AND THE EDUCATION COMMITTEE.

CHAPTER I.

THE LOCAL EDUCATION AUTHORITY.

SECT. I.—THE LOCAL EDUCATION AUTHORITY FOR ELEMENTARY EDUCATION.

THE Education Act, 1902, directs that the local education authority shall be :—

(a) In the case of a county or county borough—*the council of such county or borough.*

Local education authority in counties and county boroughs (E. Act, 1902, s. 1).

Scilly Isles.—In the case of the Scilly Isles, the council of the Isles of Scilly is to be the local education authority (E. Act, 1902 (2 Edw. VII. c. 42), s. 26).

"Elementary Education."—The power to provide instruction under the Elementary Education Acts, 1870—1900, is, except where those Acts expressly provide to the contrary, limited to the provision of instruction given under the regulations of the Board of Education to scholars who at the close of the school year will not be more than sixteen years of age; but the local education authority may, with the consent of the Board of Education, extend those limits in the case of any such school if no suitable higher education is available within reasonable distance of the school (E. Act, 1902 (2 Edw. VII. c. 42), s. 22 (2)). See also p. 100.

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School Year.—That is the year or other period for which an annual Parliamentary grant is for the time being paid or payable under the Code (*D. S. C.*, 1903, *Art.* 20).

Reasonable Distance.—The Board of Education will presumably decide as to what is or is not a reasonable distance.

"**County.**"—The county here referred to is the administrative county under the L. G. Act, 1888, and means the area for which a county council is elected in pursuance of that Act (51 & 52 Vict. c. 41, ss. 1, 100).

In the case of the Welsh counties and Monmouthshire it is to be noted that the county council as local education authority is to have transferred to it the powers, duties, property and liabilities of the county governing body under the Welsh Intermediate Education Act, 1889 (E. Act, 1902, s. 17 (8)). See p. 109.

For a list of such counties see p. 442.

"**County Borough.**"—That is:—

(i.) Each of the boroughs named in the 3rd Schedule to the L. G. Act, 1888, being a borough which on the 1st of June, 1888, either:

(a) Had a population of not less than 50,000; or

(b) Was a county in itself (51 & 52 Vict. c. 41, s. 31).

(ii.) Any borough having a population of not less than 50,000, and constituted a borough by order of the Local Government Board (51 & 52 Vict. c. 41, s. 54 (1) (d)).

The county boroughs of Oxford, Grimsby, and Newport (Mon.) have been so constituted.

In the case of Welsh county boroughs and that of the county borough of Newport (Mon.), the local education authority is to have transferred to it the powers, duties, property, and liabilities of the county governing body for such county borough under the Welsh Intermediate Education Act, 1889 (E. Act, 1902, s. 17 (8). See p. 109.

For list of county boroughs see p. 443.

"**The Council of such County or Borough.**"—In the case of a county the council consists of a chairman, aldermen, and councillors, and is a body corporate with perpetual succession, a common seal, and power to acquire and hold land for the purposes of its constitution without licence in mortmain (L. G. Act, 1888 (51 & 52 Vict. c. 41), ss. 1, 79).

Such a council is a statutory corporation as distinguished from a corporation created by royal charter or common law corporation, and cannot exercise any powers other than those conferred upon it by statute (*A.-G.* v. *London C. C.*, [1901] 1 Ch. 781; [1902] A. C. 165).

Council of the Isles of Scilly.—For particulars of such council

see *Local Government Board Provisional Orders Confirmation (No. 6) Act*, 1890 (53 & 54 Vict. c. clxxvi.). By Art. xxvii. (1) of that Act the council were to appoint a school attendance committee as though they were guardians of a union composed of the parishes of the Isles of Scilly; and (2) all the provisions of the E. E. Act, 1870—1880, with regard to a school attendance committee, and the powers, duties and functions thereof, and to the attendance at school and employment of children, were made applicable to the Isles of Scilly.

For abolition of school attendance committees see p. 5; for their various powers, duties, &c., see Part II.

The county councillors elected for an electoral division consisting wholly of a borough or urban district, whose council are a local education authority for the purposes of elementary education, or of some part of such a borough or district, may not vote in respect of any question arising before the county council which relates only to matters of elementary education (E. Act, 1902, s. 23 (3)).

Disqualifications for membership of local education authority.

A person who holds any office or place of profit in the gift or disposal of the council, or who has directly or indirectly by himself or his partner any share or interest in any contract or employment with, by, or on behalf of the council, is disqualified for being elected and for being a councillor (Municipal Corporations Act, 1882 (45 & 46 Vict. c. 50), s. 12 (1) (a) (c); L. G. Act (51 & 52 Vict. c. 41), ss. 2 (1), 75). Accordingly teachers in schools provided by the local education authority are disqualified from being members of the county council or county borough council. Teachers in a school maintained but not provided by the local education authority are expressly placed in the same position as respects disqualification for office as members of the authority as teachers in a provided school (E. Act, 1902 (2 Edw. VII. c. 42), s. 23 (7)).

But the disqualification of any persons who are at the time of the passing of the E. Act, 1902 (Dec. 18, 1902), members of any council, and who will become disqualified for office in consequence of the Act, is not, if the council so resolve, to take effect until a day fixed by the resolution, not being later than:—

(a) In the case of a county council the next ordinary day of retirement of councillors.

(b) In the case of a council of a borough the next ordinary day of election of councillors.

(c) In the case of an urban district council the 15th of April, 1904 (*E. Act*, 1902 (2 *Edw. VII. c.* 42), *Sch. II.* (9)).

As to the disqualification of such persons for membership of the education committee see p. 15.

In the case of county boroughs the council consists of the mayor, aldermen, and councillors (*Municipal Corporations Act*, 1882 (45 & 46 *Vict. c.* 50), *s.* 10 (2); L. G. Act, 1888 (51 & 52 *Vict.*

Part I.

c. 41) *s.* 34 (3), (a), and though not itself a corporation, exercises all the powers vested in the county borough, which is a corporation created by Royal charter or common law corporation. The council of such a corporation, therefore, is able to do in the name and on behalf of the corporation many acts which are not included in any statute, but which are within the general powers of a common law corporation. (*A.-G.* v. *London C. C., vide supra*).

As to disqualification for membership of such council, vide supra.

Local education authority in smaller boroughs (E. Act, 1902, s. 1, s. 23 (8)).

(b) In the case of a borough with a population of over 10,000 according to the census of 1901—*the council of such borough.*

As to the constitution and powers of such council, and as to disqualification of certain persons as councillors, vide supra.

For list of such boroughs see p. 444.

Local education authority in urban districts (E. Act, 1902, s. 1, s. 23 (8)).

(c) In the case of an urban district with a population of over 20,000 according to the census of 1901—*the urban district council.*

"**Urban District Council.**"—Such council is a corporate body with perpetual succession, a common seal, and power to sue and be sued in its own name (P. H. Act, 1875 (38 & 39 Vict. c. 55), s. 7; L. G. Act, 1894 (56 & 57 Vict. c. 73), s. 21 (1)).

For list of such urban districts see p. 447.

Women may be elected to be councillors (L. G. Act, 1894 (56 & 57 Vict. c. 73), s. 23 (2)).

A person holding any paid office under the district council, or who is concerned in any bargain or contract entered into with the council, or participates in the profit of any such bargain or contract, or of any work done under the authority of the council, is disqualified for being elected or being a member or chairman of a district council (L. G. Act, 1894 (56 & 57 Vict. c. 73), s. 46 (1), (d)). Accordingly paid teachers in schools provided by the urban district council as the local education authority will be disqualified from being members of the urban district council. Teachers in non-provided schools are in the same position (E. Act, 1902, s. 23 (7)).

As to the eligibility of such persons for membership of the education committee see p. 15.

Combination of local education authorities (E. E. Act, 1870, s. 52; E. Act, 1902, Sch. III. (1)).

Apparently it will be possible for two or more local education authorities, with the sanction of the Board of Education, to combine together for any purpose relating to elementary schools within the areas for which they act, and in particular to combine for the purpose of providing, maintaining, and

keeping efficient schools common to such areas. Such aggreements may provide for :—

(a) The appointment of a joint body of managers.

(b) The proportion of the contributions to be paid by each area.

(c) Any other matters which in the opinion of the Board of Education are necessary for carrying out such agreement.

Cross References.—Providing schools, p. 25; Maintaining and keeping efficient schools, p. 21.

"**Joint body of managers.**"—As to this see p. 84. The expenses of such joint body of managers are to be paid in the proportions specified in the agreement by each of the local education authorities out of the fund out of which the local education authority are payable (E. E. Act, 1870 (33 & 34 Vict. c. 75), s. 52; E. Act, 1902 (2 Edw. VII. c. 42), Sch. III. (1), (2). For the fund out of which such expenses will now be payable see p. 120.

Abolition of school boards and school attendance committees and transfer of their property, &c. (E. Act, 1902, s. 5, Sch. II. (1)).

As a consequence of the establishment of the local education authority the school boards introduced by the E. E. Act, 1870 (33 & 34 Vict. c. 75), and the school attendance committees of the E. E. Act, 1876 (39 & 40 Vict. c. 79), are abolished as from the "appointed day," and their property, rights, and liabilities then existing are transferred to the council exercising the powers of the school board.

"**School Attendance Committees.**"—Notwithstanding their abolition, such committees are bound during the period between the passing of the E. Act, 1902 (Dec. 18, 1902) and the "appointed day" to furnish to the council, which will on the appointed day become the local education authority, such information as that council may reasonably require (E. Act, 1902 (2 Edw. VII. c. 42), Sch. II. (15)). A like duty is also cast upon the managers of any public elementary school (*ibid.*).

"**Appointed Day.**"—The 26th March, 1903, or such other day, not being more than eighteen months later, as the Board of Education may appoint; different days may be appointed for different purposes, and for different provisions of the Act, and for different councils (E. Act, 1902 (2 Edw. VII. c. 42), s. 27 (2)). *See Circular of Board of Education*, p. 441.

"**Property and Liabilities.**"—These words, unless the context otherwise requires, have the same meanings as in the

Part I.

L. G. Act, 1888, s. 100.

L. G. Act, 1888 (see E. Act, 1902 (2 Edw. VII. c. 42), s. 24 (8)). The L. G. Act, 1888, s. 100, provides as follows:—

The expression "**property**" includes all property, real and personal, and all estates, interests, easements, and rights, whether equitable or legal, in, to, and out of property real and personal, including things in action, and registers, books, and documents; and when used in relation to any quarter sessions, clerk of the peace, justices, board, sanitary authority, or other authority, includes any property which on the appointed day belongs to, or is vested in, or held in trust for, or would but for this Act have, on or after that day, belonged to, or been vested in, or held in trust for, such quarter sessions, clerk of the peace, justices, board, sanitary authority, or other authority; and the expression "property" shall further include, in the case of the county of Chester, any surplus revenue of the River Weaver Trust, which is or would but for this Act be payable to the quarter sessions:

The expression "**powers**" includes rights, jurisdiction, capacities, privileges, and immunities:

The expression "**duties**" includes responsibilities and obligations:

The expression "**liabilities**" includes liability to any proceeding for enforcing any duty or for punishing the breach of any duty, and includes all debts and liabilities to which any authority are or would but for this Act be liable or subject to, whether accrued due at the date of the transfer or subsequently accruing, and includes any obligation to carry or apply any money to any sinking fund or to any particular purpose.

"**Transferred.**"—Sects. 85—88 of the L. G. Act, 1894 (56 & 57 Vict. c. 73) (which contain transitory provisions), are to apply with respect to such transfers (E. Act, 1902 (2 Edw. VII. c. 42), Sch. II. (8)). Sects. 85—88 of the L. G. Act, 1894, are as follows:—

Current rates, &c.

85.—(1.) Every rate and precept for contributions made before the appointed day (*a*) may be assessed, levied, and collected, and proceedings for the enforcement thereof taken, in like manner as nearly as may be as if this Act had not passed.

(2.) The accounts of all receipts and expenditure before the appointed day (*a*) shall be audited, and disallowances, surcharges, and penalties recovered and enforced, and other consequential proceedings had, in like manner as nearly as may be as if this Act had not passed, but as soon as practicable after the appointed day (*a*); and every authority, committee, or officer, whose duty it is to make up any accounts, or to account for any portion of the receipts or expenditure in any account, shall, until the audit is completed, be deemed for the purpose of such audit to continue in office, and be bound to perform the same duties and render the

same accounts and be subject to the same liabilities as before the appointed day (*a*).

(3.) All proceedings, legal and other, commenced before the appointed day (*a*), may be carried on in like manner, as nearly as may be, as if this Act had not passed, and any such legal proceeding may be amended in such manner as may appear necessary or proper in order to bring it into conformity with the provisions of this Act.

(4.) *Every valuation list made for a parish divided by this Act shall continue in force until a new valuation list is made* (*b*).

(5.) *The change of name of an urban sanitary authority shall not affect their identity as a corporate body or derogate from their powers, and any enactment in any Act, whether public general or local and personal, referring to the members of such authority shall, unless inconsistent with this Act, continue to refer to the members of such authority under its new name* (*b*).

(*a*) References to the "appointed day" to be construed as respects a case of relinquishment of powers and duties (see p. 74), as references to the date on which the relinquishment takes effect. (E. Act, 1902, Sch. II. (8), (a).)

(*b*) Sub-ss. (4), (5) are not to apply (*ibid.*) (c).

Saving for existing securities and discharge of debts.

86.—(1.) Nothing in this Act shall prejudicially affect any securities granted before the passing of this Act (*a*) on the credit of any rate or property transferred to a council or parish meeting by this Act; and all such securities, as well as all unsecured debts, liabilities, and obligations incurred by any authority in the exercise of any powers or in relation to any property transferred from them to a council or parish meeting shall be discharged, paid, and satisfied by that council or parish meeting, and where for that purpose it is necessary to continue the levy of any rate or the exercise of any power which would have existed but for this Act, that rate may continue to be levied and that power to be exercised either by the authority who otherwise would have levied or exercised the same, or by the transferee as the case may require.

(2.) It shall be the duty of every authority whose powers, duties, and liabilities are transferred by this Act to liquidate so far as practicable before the appointed day (*b*), all current debts and liabilities incurred by such authority.

(*a*) References to "the passing of this Act" are to be construed as respects a case of relinquishment of powers and duties (see p. 74), as references to the date on which the relinquishment takes effect. (E. Act, 1902, Sch. II. (8) (a).)

(*b*) *Vide* note (*a*) to sect. 85, *supra*.

Saving for existing byelaws.

87.—All such byelaws, orders, and regulations of any authority, whose powers and duties are transferred by this Act to any council, as are in force at the time of the transfer, shall, so far as they relate to or are in pursuance of the powers and duties transferred,

Part I.

continue in force as if made by that council, and may be revoked or altered accordingly.

Saving for pending contracts, &c.

88.—(1.) If at the time when any powers, duties, liabilities, debts, or property are by this Act transferred to a council or parish meeting, any action or proceeding, or any cause of action or proceeding is pending or existing by or against any authority in relation thereto the same shall not be in anywise prejudicially affected by the passing of this Act (*a*), but may be continued, prosecuted, and enforced by or against the council or parish meeting as successors of the said authority in like manner as if this Act had not been passed.

(2.) All contracts, deeds, bonds, agreements, and other instruments subsisting at the time of the transfer in this section mentioned, and affecting any of such powers, duties, liabilities, debts, or property, shall be of as full force and effect against or in favour of the council or parish meeting, and may be enforced as fully and effectually as if, instead of the authority, the council or parish meeting had been a party thereto.

(*a*) *Vide* note (*a*) to sect. 86, *supra*.

In construing the above sections, the powers and duties of a school board or school attendance committee which is abolished, or of a council which ceases to exercise powers and duties (see p. 74), are to be deemed powers and duties transferred under the E. Act, 1902. (E. Act, 1902, Sch. II. (8) (b)).

Should any question of adjustment arise, the 68th section of the L. G. Act, 1894 (56 & 57 Vict. c. 73), is to apply :—

L. G. Act, 1894. Adjustment of property and liabilities.

68.—(1.) Where any adjustment is required for the purpose of this Act, or of any order, or thing made or done under this Act, then, if the adjustment is not otherwise made, the authorities interested may make agreements for the purpose, and may thereby adjust any property, income, debts, liabilities, and expenses, so far as affected by this Act, or such scheme, order, or thing, of the parties to the agreement.

(2.) The agreement may provide for the transfer or retention of any property, debts, or liabilities, with or without any conditions, and for the joint use of any property, and for payment by either party to the agreement in respect of property, debts, and liabilities so transferred or retained, or of such joint user, and in respect of the salary or remuneration of any officer or person, and that either by way of an annual payment or, except in the case of a salary or remuneration, by way of a capital sum, or of a terminable annuity for a period not exceeding that allowed by the Local Government Board: Provided that where any of the authorities interested is a board of guardians, any such agreement, so far as it relates to the joint use of any property, shall be subject to the approval of the Local Government Board.

(3.) In default of an agreement, and as far as any such agreement does not extend, such adjustment shall be referred to arbitration in accordance with the Arbitration Act, 1889, and the arbitrator shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been incurred unnecessarily, and his award may provide for any matter for which an agreement might have provided. 52 & 53 Vict. c. 49.

(4.) Any sum required to be paid by any authority for the purpose of adjustment may be paid as part of the general expenses of exercising their duties under this Act, or out of such special fund as the authority, with the approval of the Local Government Board, direct, and if it is a capital sum the payment thereof shall be a purpose for which the authority may borrow under the Acts relating to such authority, on the security of all or any of the funds, rates, and revenues of the authority, and any such sum may be borrowed without the consent of any authority, so that it be repaid within such period as the Local Government Board may sanction.

(5.) Any capital sum paid to any authority for the purpose of any adjustment under this Act shall be treated as capital, and applied, with the sanction of the Local Government Board, either in the repayment of debt or for any other purpose for which capital money may be applied.

No election of members of a school board is to be held after the passing of the E. Act, 1902 (Dec. 18, 1902). E. Act, 1902, Sch. II. (10).

The term of office of members of any school board holding office at the passing of the Act, or appointed to fill casual vacancies after that date, are to continue to the appointed day.

The Board of Education have power to make orders with respect to any matter which it appears to them necessary or expedient to deal with for the purpose of carrying the above provisions into effect, and any such order is to operate as though part of the E. Act, 1902.

"**Appointed Day.**"—See p. 5.

Sect. II.—THE LOCAL EDUCATION AUTHORITY FOR HIGHER EDUCATION.

The local education authority for the purposes of higher education are:— E. Act, 1902, s. 1.

(a) In the case of a county or county borough, the same as for elementary education, viz., the council of such county or borough (*vide ante*, p. 1).

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E. Act, 1902, s. 8.

(b) In the case of a non-county borough or urban district, the county council,—the council of the borough, or urban district having certain concurrent powers (see p. 100).

The councils of non-county boroughs and urban districts which are local education authorities for the purpose of elementary education (*vide* p. 4, *ante*) are not local education authorities for the purpose of higher education, but the council of all non-county boroughs or urban districts have concurrent powers with the county council in such matters (*vide* p. 100). The county council is the authority for higher education throughout the county, its powers of rating being universal over the whole county, including the boroughs and urban districts, which it may rate even against their will. Should, however, the boroughs and urban districts build schools, as it seems they may do without consulting the county council, such schools would, presumably, belong to those bodies, and they would be entitled to any grant in respect of them.

For powers and duties of local education authorities as regards higher education, see p. 99.

For income for higher education purposes, see p. 156—159.

Chapter II.

THE EDUCATION COMMITTEE.

Sect. I.—CONSTITUTION OF THE COMMITTEE.

E. Act, 1902, s. 17 (1).

It is the duty of every council having powers under the E. Act, 1902, to establish an education committee or committees, save that where a council having merely concurrent powers with a county council in respect of higher education determines that such a committee is unnecessary in their case, it is not obligatory on them to establish such a committee.

"**Every Council.**"—This includes all local education authorities (see pp. 1—4), as well as those councils who merely have concurrent powers (see p. 10).

With regard, however, to this latter class of councils, there is no duty cast upon them of appointing an education committee, if they deem it unnecessary, whereas in the case of a council which is a local education authority it is obligatory on them to appoint such a committee. Therefore, as regards elementary education, which can only be dealt with by a council having the rank of a local education authority, there must in every case be an education committee.

"**Committee or Committees.**"—As to separate committees in any area within a county (*vide infra*), it would also seem that separate committees may be appointed in reference to subjects of instruction, but before approving any scheme which provides for the appointment of more than one education committee, the board of education are required to satisfy themselves that due regard is paid to the importance of the general co-ordination of all forms of education, *i.e.*, to see that the education committees are not so constituted as to leave one for secondary education and the other wholly for elementary education (*vide infra*). *See also Circular of Board of Education* (470) *VI.* (3), p. 410.

As to sub-committees see p. 19.

Separate or joint committees (E. Act, 1902, s. 17 (5)).

For all or any purposes of the E. Act, 1902, there may be constituted :—

(i.) A separate education committee for any area within a county : or

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(ii.) A joint education committee for any area formed by a combination of counties, boroughs, or urban districts, or of parts thereof.

"**Separate Education Committee.**"—As to the Board of Education's duty in such cases to see that due regard is paid to general co-ordination of education, *vide infra*.

"**Joint Education Committee.**"—For composition of such a committee, *vide infra*. The formation of such committees may be convenient in the case of boroughs or urban districts which may not desire to relinquish permanently their powers under the Act (see p. 74), but may yet desire to work in close co-operation with the county in which they are situated. *Circular of Board of Education* (470) iv. (3), (d), p. 409.

Committee to be constituted by schemes (E. Act, 1902, s. 17 (1)).

The education committee or committees are to be constituted in accordance with a scheme made by the local education authority and approved by the Board of Education.

Approval of scheme by Board of Education (E. Act, 1902, s. 17 (6)).

Before approving a scheme the Board of Education must:—

(a) Take such measures as may appear expedient for the purpose of giving publicity to the provisions of the proposed scheme.

(b) Satisfy themselves, where the scheme provides for the appointment of more than one education committee, that due regard is paid to the importance of the general co-ordination of all forms of education.

Power to hold a public inquiry (E. Act, 1902, s. 23 (10)).

They may hold a public inquiry for the purpose under sect. 73 of the E. E. Act, 1870. See the section, p. 211.

The Board of Education have announced that they have no intention of framing a model scheme or schemes, but that they will be ready to enter into communication with local education authorities (and presumably any council) on the subject of schemes, and to assist them, when invited to do so. *See also Circulars of Board of Education*, pp. 407, 411, 416.

"**Measures . . . for the Purpose of Giving Publicity to the Scheme.**"—The measures will probably be similar to those now taken by the Board of Education in cases under sect. 33 of the Endowed Schools Act, 1869 (32 & 33 Vict. c. 56). See also sect. 20 of E. E. Act, 1873 (36 & 37 Vict. c. 86), as to publication of notice, &c. The publication of the scheme will afford opportunity for making objections and suggestions. It will be noted that no time limit is fixed within which such objections and suggestions may be made, as in the Endowed Schools Act, 1869, s. 34.

"**Hold a Public Inquiry.**"—Similar provision exists under the Endowed Schools Act, 1869 (32 & 33 Vict. c. 56, s. 35), as affected by the Board of Education Act, 1899 (62 & 63 Vict. c. 33, s. 2), and Board of Education (Powers) Order in Council, 1901.

"**Satisfy themselves that due Regard is paid to the General Co-ordination of all Forms of Education.**"—It is the duty of the local education authority to see that the education committees are not so constituted as to leave one for secondary education and the other wholly for elementary education. *See Circular of Board of Education* (470) *VI.* (3), p. 410.

Effect of scheme (E. Act, 1902, s. 21 (3)).

A scheme when approved is to have the same effect as though enacted in the E. Act, 1902.

Failing scheme, a provisional order to be made (E. Act, 1902, s. 17 (7)).

Should a scheme not have been made and approved within twelve months after the passing of the E. Act, 1902 (*i.e.*, Dec. 18, 1902), the Board of Education have power, subject to the provisions of the Act, to make a provisional order for the purposes for which a scheme might have been made.

Sects. 297 and 298 of the P. H. Act of 1875 (38 & 39 Vict. c. 55), which relate to provisional orders, and which are set out below, are to apply to provisional orders made under the E. Act of 1902, but references therein to a local authority are to be construed as references to the authority to whom the order relates, and references to the Local Government Board are to be construed as references to the Board of Education. *E. Act*, 1902, *s.* 21 (1).

The sections of the P. H. Act, 1875, provide as follows:—

P. H. Act, 1875, s. 297.

(1.) The *Local Government Board* (*a*) shall not make any provisional order under this Act, unless notice of the purport of the proposed order has been previously given by advertisement in two successive weeks in some local newspaper circulating in the district in which such provisional order relates:

(2.) Before making any such provisional order the *Local Government Board* (*a*) shall consider any objections which may be made thereto by any persons affected thereby, and in cases where the subject-matter is one to which a local inquiry is applicable, shall cause to be made a local inquiry, of which public notice shall be given in manner aforesaid, and at which all persons interested shall be permitted to attend and make objections:

(3.) The *Local Government Board* (*a*) may submit to Parliament for confirmation any provisional order made by it in pursuance of this Act, but any such order shall be of no force whatever unless and until it is confirmed by Parliament:

(4.) If while the Bill confirming any such order is pending in either House of Parliament, a petition is presented against any

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order comprised therein, the Bill, so far as it relates to such order, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of private bills:

(5.) Any Act confirming any provisional order made in pursuance of any of the sanitary Acts, or of this Act, and any order in council made in pursuance of any of the sanitary Acts, may be repealed, altered, or amended, by any provisional order made by the *Local Government Board* (*a*) and confirmed by Parliament:

(6.) The *Local Government Board* (*a*) may revoke, either wholly or partially, any provisional order made by them before the same is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament:

(7.) The making of a provisional order shall be *primâ facie* evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such provisional order have been complied with:

(8.) Every Act confirming any such provisional order shall be deemed to be a public general Act.

Sect. 298.

The reasonable costs of any *local authority* (*b*) in respect of provisional orders made in pursuance of this Act, and of the inquiry preliminary thereto, as sanctioned by the *Local Government Board* (*a*), whether in promoting or opposing the same, shall be deemed to be expenses properly incurred for purposes of this Act by the *local authority* (*b*) interested in or affected by such provisional orders, and such costs shall be paid accordingly; and if thought expedient by the *Local Government Board* (*a*), the *local authority* (*b*) may contract a loan for the purpose of defraying such costs.

(*a*) For "Local Government Board" read "Board of Education."

(*b*) For "local authority" substitute the authority to whom the order relates, *i.e.*, "county council," "borough council," or "urban district council," as the case may be.

Provisions of the scheme. (a) Compulsory provisions. Composition of the committee (E. Act, 1902, s. 17 (3) (a)).

Every scheme *must* provide:—

(a) For the appointment by the council of:—

(i.) At least a majority of the committee consisting (unless, in the case of a county, the council otherwise determine) of members of the council. In the case of joint committees (*vide supra*), it is sufficient if a majority of the members are selected and appointed by the councils of any of the counties, boroughs, or districts out of which or parts of which the area is formed:

Apparently members of the council prohibited under the Act

from voting upon questions relating to elementary education at the council (see p. 8), as representing districts exempted from county control under the Act, will also be prohibited from voting upon similar questions when on the committee.

(ii.) Persons of experience in education: and

(iii.) Persons acquainted with the needs of the various kinds of schools in the area for which the local education authority acts.

E. Act, 1902, s. 17, (3) (b).

As regards persons coming within (ii.) and (iii.), *supra*, the scheme is to provide, where it appears desirable, for their appointment by the local education authority, on the nomination or recommendation of other bodies, including associations of voluntary schools.

For a list of voluntary schools associations see p. 448.

(iv.) If desirable, members of school boards existing at the time of the passing of the Act as members of the first committee.

E. Act, 1902, s. 17 (3) (d).

"Appointment by the Council."—(1.) *Period of Appointment.*—This would seem to be three years as a maximum if the committee is to be regarded as a committee of the county council under the L. G. Act, 1888 (51 & 52 Vict. c. 41). If, however, the committee is not to be regarded as a committee of the county council, the question as to the period of appointment arises with regard to *all* members of the committee, as it must in either case as to "nominated" members and other members who are not at the same time county councillors.

A similar matter, viz., the period for which county governors should hold office was dealt with specifically in the schemes under the Welsh Intermediate Education Act of 1889, and it would seem that the same course may be taken under the Act of 1902, sect. 22 (2) providing that "any scheme or provisional order under the Act may contain such incidental or consequential provisions as may appear necessary or expedient." A specific provision relating to the matter should accordingly be inserted in the scheme. In the Welsh schemes it will be found that it was very generally provided that governors representing the county council should be appointed either for the residue of the term for which the then existing county councillors were elected, or for three years; other governors either for three or five years. *See Memorandum of Board of Education*, p. 422.

(2.) *Disqualifications for Appointment.*—Any persons who, by reason of holding an office or place of profit, or having a share or interest in a contract or employment, are disqualified from being members of the local education authority appointing the education

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committee, are also disqualified from being members of the education committee. But no such disqualification applies to a person by reason only of his holding office in a school or college aided, provided, or maintained by the local education authority. E. Act, 1902 (2 Edw. VII. c. 42), s. 17 (4).

For disqualifications for local education authority, vide supra, p. 3.

"Consisting . . . of Members of the Council."—Although it is possible in the case of a county for a committee to be constituted entirely of non-members of the county council, yet such an event is extremely improbable, and clearly contrary to the intention of the section. In all other cases the majority of the committee must be composed of members of the appointing council.

Where membership of the council is a necessary qualification for membership of the committee, a member who becomes disqualified for the council will, *ipso facto*, cease to be a member of the committee.

"On the Nomination or Recommendation of other Bodies."—As appointment on such nomination or recommendation is to be provided for in the scheme, it would seem that subject to the powers of revocation and alteration of the scheme (*vide infra*) that this matter will be settled once for all. Accordingly, as revocation or alteration of the scheme would no doubt be a long and expensive process, it will be advisable to exercise great caution before inviting bodies to nominate or recommend. Although the ultimate power of appointment clearly resides in the council, and it may reject the person nominated or recommended, an invitation to nominate, involving as it does considerable difficulty in rejecting the nominee, will probably be given only in the cases of more important bodies; whereas invitation to recommend, involving the council in much lighter responsibility of acceptance or rejection, will be sent to less important bodies.

The ultimate decision as to whether it is desirable that persons coming within (ii.) and (iii.) *supra* should be appointed on the nomination or recommendation of other bodies, practically lies with the Board of Education as approvers of the scheme. It might be a ground for refusing to approve a scheme should an educational body or association not be represented or insufficiently represented.

See generally Memorandum of Board of Education, p. 421.

E. Act, 1902, s. 17 (3) (c), s. 23 (6).

(b) The inclusion of women as well as men among the members of the committee. Married women are eligible.

In the opinion of the Board of Education the inclusion of one woman is sufficient to comply with the statute.

(c) In the case of a county or county borough in Wales or Monmouthshire, or the county borough of Newport,

(i.) That the county governing body constituted under the Welsh Intermediate Education Act, 1889, for any such county or county borough shall cease to exist. E. Act, 1902, 17 (8).

(ii.) Such provisions as appear necessary or expedient for :—

(a) The transfer of the powers, duties, property, and liabilities of any such body to the local education authority.

(b) Making the provisions of sect. 17 of the E. Act, 1902, applicable to the exercise by the local education authority of the powers so transferred.

"**County Governing Body.**"—For this see p. 108.

"**Welsh Intermediate Education Act.**"—See p. 108.

"**The Transfer of the Powers, Duties, &c. . . . to the Local Education Authority.**"—It is to be carefully noted that the powers, &c., transferred are not the powers of the joint education committees under the Welsh Act of 1889 (as to which see p. 104), but those of the county governing bodies (see p. 108), and that these are transferred not to the education committees, but to the new local education authorities.

It is also to be noted that sects. 85—88 of the L. G. Act, 1894 (*vide p.* 6, *supra*), will not apply to such transfers, they not being transfers mentioned in Sch. II. of the E. Act, 1902 (2 Edw. VII. c. 42, Sch. II. (8)).

Every scheme or provisional order *may* provide :— Provisions of the scheme. (b) Permissive provisions (E. Act, 1902, s. 17 (5), (7)).

(a) For the establishment of joint or separate education committees (see p. 12).

(b) For such incidental and consequential matters as may appear necessary or expedient. Sect. 21 (2).

"**Incidental or Consequential Matters.**"—Including the period for which members are to hold office (*vide supra*, p. 15).

Any scheme or provisional order made for the purposes of such a scheme may be revoked or altered by a scheme Revocation or alteration of scheme (E. Act, 1902, s. 21 (3)).

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made in like manner, and having the same effect as an original scheme.

"**Made in like Manner.**"—For manner of making original scheme, *vide supra*, p. 12.

"**Having the same Effect.**"—For effect of original scheme, *vide supra*, p. 13.

SECT. II.—FUNCTIONS OF THE COMMITTEE.

Consultative functions (E. Act, 1902, s. 17 (2)).

The education committee is primarily and in the main a consultative body. All matters relating to the exercise by the council of their powers, except the power of raising a rate or borrowing money, stand referred to it; and the council before exercising any such powers are bound, unless in their opinion the matter is urgent, to receive and consider the report of the committee with respect to the matter in question.

"**Power of raising a Rate or Borrowing Money.**"—See pp. 147—159.

"**Stand referred.**"—These words do not, it seems, prevent the council from being seized of what is going on and discussing it, although, save where they consider the matter urgent, they must before acting in the matter receive and consider the report of the committee. Where the matter is one which has been delegated to the committee (*vide infra*) the whole matter can be considered by them.

"**Unless in their Opinion the Matter is Urgent.**"—In such cases it would seem that the council may delegate the matter to the committee with instructions to act promptly.

Executive functions (*ibid.*).

It is only by way of delegation that the education committee has any executive powers. The council is empowered to delegate to the education committee, with or without any restrictions or conditions, as they think fit, any of their powers under the E. Act, 1902, except the power of raising a rate or borrowing money.

As to the power of the education committee to deal with matters delegated to them, vide note "**Stand referred,**" *supra.*

Although the council have full powers of delegation, the ultimate responsibility must rest with them, for whatever powers they may confer on the education committee.

SECT. III.—PROCEDURE OF THE COMMITTEE.

Quorum, proceedings, and place of meeting (E. Act, 1902, Sch. I.A. (1)).

The regulations as to the quorum, proceedings, and place of meeting are to be such as the committee itself determines, subject to any regulations as to those matters made by the council establishing the committee.

Casting vote of chairman (E. Act, 1902, Sch. II. A. (2)).

The chairman has in case of an equal division of votes a second or casting vote.

Proceedings not invalidated by vacancy (*ibid.* (3)).

The proceedings are not invalidated by any vacancy among or by any defect in the election, appointment, or qualification of any members of the committee.

Minutes to be kept and made evidence (*ibid.* (4)).

Minutes of the proceedings are to be kept in a book provided for that purpose.

A minute signed at the same or next ensuing meeting by a person describing himself as or appearing to be chairman of the meeting at which the minute is signed, is to be received as evidence without further proof.

Committee to be deemed duly constituted (*ibid.* (5)).

Until the contrary is proved the committee is to be deemed to have been duly constituted and to have power to deal with any matters referred to in its minutes.

Appointment of sub-committees (*ibid.* (6)).

The committee has power, subject to any directions of the council, to appoint such and so many sub-committees, consisting either wholly or partly of members of the committee, as it thinks fit.

It will not be desirable to perpetuate the severance of Elementary from Higher Education by the creation of separate committees for each. But it may often be convenient to establish sub-committees which might, under the supervision of the Education Committee, administer the various forms of education. See *Circular of Board of Education* (470) *par. VI.* (3), p. 410.

PART II.

ELEMENTARY EDUCATION.

CHAPTER I.

POWERS AND DUTIES OF THE LOCAL EDUCATION AUTHORITY.

E. Act, 1902, s. 22 (2).

BEFORE considering the powers and duties of the local education authority in detail, it is to be borne in mind that by the E. Act, 1902, the power to provide instruction under the E. E. Acts, 1870—1900, is, except where those Acts expressly provide to the contrary, limited to the provision of instruction given under the regulations of the Board of Education to scholars who, at the close of the school year, will not be more than sixteen years of age, in a public elementary school, provided, however, that:—

The local education authority may, with the consent of the Board of Education, extend the limits in the case of any such school, if no suitable higher education is available within a reasonable distance of the school.

"**Powers and Duties.**"—These terms, unless the context otherwise requires, have the same meaning as in the L. G. Act, 1888, s. 100. See p. 6. (E. Act, 1902, s. 24 (3).)

"**Where those Acts expressly Provide to the Contrary.**"—*E.g.*, E. E. (Blind and Deaf Children) Act, 1893 (see p. 29); E. E. (Defective and Epileptic Children) Act, 1899 (see p. 31).

"**Regulations of the Board of Education.**"—See Day School Code, 1903, p. 629.

"**Public Elementary School.**"—See p. 21.

"**School Year.**"—That is, the year or other period for which an annual Parliamentary grant is for the time being paid or payable under the D. S. Code (D. S. Code, 1903, Art. 20), p. 638.

"**Where no Suitable Higher Education is Available.**"—In such cases higher education will be provided out of elementary education funds.

The powers and duties of the local education authority in respect of elementary education consist partly (i.) of those which they inherit as the direct successors and representatives of the old school boards and school attendance committees, which powers and duties, relating more particularly to schools provided by them, will continue to be exercised under the E. E. Acts, 1870—1900, and any other Acts, including local Acts, subject to any modifications introduced by the Act of 1902; and partly (ii.) of those with which the Act of 1902 itself furnishes them as being responsible for and having the control of secular instruction in schools not provided by them. These various powers and duties are set out in the following sections.

Control of secular education in non-provided schools by local education authority (E. Act, 1902, s. 5).

SECT. I.—POWERS AND DUTIES AS TO THE MAINTENANCE AND EFFICIENCY OF SCHOOLS.

It is the duty of the local education authority to maintain and keep efficient *all* public elementary schools, whether provided by them or not, within their area which are necessary.

Cross References.—Combination of local education authorities for maintaining and keeping schools efficient, p. 4.

"**To keep Efficient.**"—Efficiency is thus defined by the D. S. Code, 1903, Art. 86 (see p. 651): "A school or class is regarded as being efficient if the inspector does not in his annual report recommend the withholding of the grant under Art. 98 or Art. 101 (*a*) of the D. S. Code."

"**Public Elementary School.**"—A public elementary school is an elementary school conducted in accordance with the regulations of sect. 7 of the E. E. Act, 1870 (*The Conscience Clause*).

(1.) It shall not be required, as a condition of any child being admitted into or continuing in the school, that he shall attend or abstain from attending any Sunday school, or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere, from which observance or instruction he may be withdrawn by his parent, or that he shall, if withdrawn by his parent, attend the school on any day exclusively set apart for religious observance by the religious body to which his parent belongs:

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(2.) The time or times during which any religious observance is practised or instruction in religious subjects is given at any meeting of the school shall be either at the beginning or at the end or at the beginning and the end of such meeting, and shall be inserted in a time table to be approved by the Board of Education, and to be kept permanently and conspicuously affixed in every schoolroom; and any scholar may be withdrawn by his parent from such observance or instruction without forfeiting any of the other benefits of the school:

(3.) The school shall be open at all times to the inspection of any of Her Majesty's inspectors, so, however, that it shall be no part of the duties of such inspector to inquire into any instruction in religious subjects given at such school, or to examine any scholar therein in religious knowledge or in any religious subject or book:

(4.) The school shall be conducted in accordance with the conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant (*a*).

(*a*) For these conditions see D. S. Code, 1903, p. 648. It must also be remembered that a school must be maintained under and comply with the provisions of sect. 7 of the E. Act, 1902 (2 Edw. VII. c. 42), s. 7 (4). For provisions of sect. 7, see pp. 88—92. See also p. 86 for the Cowper-Temple Clause.

"*Elementary School.*"—This is defined as being a school or department of a school at which elementary education is the principal part of the education there given, and does *not* include:—

Any school or department of a school at which the ordinary payments in respect of the instruction, from each scholar, exceed ninepence a week (E. E. Act, 1870 (33 & 34 Vict. c. 75, s. 3)).

As to "ordinary payments" see D. S. Code, 1903, Art. 3, p. 633.

Any school carried on as an evening school under the regulations of the Board of Education is not to be included in the term (E. Act, 1902, s. 22 (1)).

"**Provided by them.**"—Schools provided by the local education authority (*a*) include:—

(a) Schools which have been actually provided by a school board in the past, or which may be so provided by a local education authority in the future (E. Act, 1902 (2 Edw. VII. c. 42), Sch. II. (18)).

(b) Schools deemed to have been provided by a school board or local education authority, including—

(i.) Any school which has been transferred to a school board, or which may be transferred to a local education

(*a*) Such schools will be known as "Council Schools" (*Local Government Chronicle*).

authority by managers (E. E. Act, 1870 (33 & 34 Vict. c. 75), s. 23; E. Act, 1902 (2 Edw. VII. c. 42), Sch. II. (13)).

(ii.) Any school connected with any educational endowment, charity, or trust of which a school board have been, or a local education authority may be constituted trustees. (E. E. Act, 1873 (36 & 37 Vict. c. 75), s. 13; E. Act, 1902 (2 Edw. VII. c. 42), Sch. II. (13)).

"**Necessary.**"—In order to earn the Parliamentary grant a school must not be unnecessary (D. S. Code, 1903, Art. 80). The Board of Education is, without unnecessary delay, to determine in case of dispute whether a school is necessary or not, and in so determining is to have regard to:—

(a) The interest of secular instruction.

(b) The wishes of the parents as to the education of their children.

(c) The economy of the rates.

But a school for the time being recognised as a public elementary school is not to be considered as unnecessary in which the number of scholars in average attendance as computed by the Board of Education is not less than thirty (E. Act, 1902 (2 Edw. VII. c. 42), s. 9).

"*Board of Education.*"—See Board of Education Act, 1899, p. 333.

"*Economy of the Rates.*"—The rate here referred to is not necessarily one which will fall on the whole area of the local education authority, but probably only on a small part of it, *i.e.*, the area from which the pupils of the proposed school will come.

"*Average Attendance as Computed by the Board of Education.*"—The average attendance for any period is found by dividing the total number of "attendances" made during that period by the number of times for which the school has met during such period (D. S. Code 1903, Art. 14, p. 636). For meaning of "an attendance" see Art. 12 of D. S. Code, p. 635.

"*Expenditure for which Provision is to be made by the Managers.*"—As to this see *infra*, pp. 90, 92, 121.

As regards public elementary schools not provided by them (*a*), the local education authority are only bound to maintain and keep such schools efficient so long as certain conditions and provisions are complied with by the managers of such schools. E. Act, 1902, s. 7 (1).

See the various conditions and provisions, pp. 88—92.

Maintenance by local education authority of schools attached to

The local education authority *may*, but is not required to, maintain as a public elementary school:—

(a) Any marine school; or

(*a*) Such schools will be known as "Voluntary Schools" (*Local Government Chronicle*).

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institutions (E. Act, 1902, s. 15).

(b) Any school which is part of, or is held in the premises of any institution in which children are boarded.

The refusal, however, of the local education authority to maintain such a school is not to render it incapable of receiving a Parliamentary grant.

The school if not maintained by the local education authority is not to be subject to the provisions of the E. Act, 1902, as to:—

(a) The appointment of managers (see p. 78); or

(b) The control by the local education authority. (See p. 21.)

Sect. II.—POWERS AND DUTIES AS TO THE PROVISION OF EDUCATION AND SCHOOL ACCOMMODATION.

§ 1.—*The Provision of Public School Accommodation.*

E. E. Act, 1870, s. 18; E. Act, 1902, s. 16, Sch. III. (5).

The local education authority are bound from time to time to provide such additional school accommodation as is, in the opinion of the Board of Education necessary in order to supply a sufficient amount of public school accommodation for their area, including a sufficient amount of public school accommodation without payment of fees in any part of their area. Formerly the school board had absolute discretion as to whether additional school accommodation was necessary or not. The present Act, however, makes the Board of Education the arbiter, and should the local education authority fail to provide such additional public school accommodation as is in the opinion of the Board of Education necessary in any part of their area, the Board of Education may, after holding a public inquiry, make such order as they think necessary or proper for the purpose of compelling the authority to fulfil their duty, and such order may be enforced by mandamus.

E. Act, 1902, s. 16.

"**Mandamus.**"—For proceedings on mandamus, see p. 76.

"**Public School Accommodation.**"—That is, accommodation in public elementary schools available for all the children resident in the area of a local education authority, for whose elementary education efficient and suitable provision is not otherwise made (E. E. Act, 1870 (33 & 34 Vict. c. 75), s. 5).

"**Public School Accommodation without Payment of Fees.**"—See p. 181.

"**Public Inquiry.**"—The inquiry will be held under the provisions of the E. E. Act, 1870 (33 & 34 Vict. c. 75), s. 73. See E. Act, 1902 (2 Edw. VII. c. 42), s. 23 (10).

Notice to be given where new school to be provided (E. Act, 1902, s. 8 (1) (2)).

Where such additional accommodation takes the form either of:—

(a) The provision of a new public elementary school; or

(b) Such enlargement of a public elementary school as amounts, in the opinion of the Board of Education, to the provision of a new school.

The local education authority or any other person proposing to provide the new school or enlargement must give public notice of their intention to do so.

As to charging a portion of the capital expenditure incurred on the parish or parishes served, see p. 148.

"**They shall give Public Notice.**"—No method of publication is specified, but presumably such publication as is required by the E. E. Act, 1873, s. 20, would be sufficient. See p. 221.

Appeal to Board of Education (E. Act, 1902, s. 8 (1)).

(a) The managers of any existing school; or

(b) The local education authority (where they are not themselves the persons proposing to provide the school); or

(c) Any ten ratepayers in the area for which it is proposed to provide the school,

may, within three months after the notice is given, appeal to the Board of Education on the ground:—

(i.) That the proposed school is not required; or

(ii.) That a school provided by the local education authority, or not so provided, as the case may be, is better suited to meet the wants of the district than the school proposed to be provided.

"**The Managers of any existing School.**"—As to managers see p. 78.

"**Any ten Ratepayers in the Area.**"—This apparently means the area from which the pupils of the proposed school will be drawn.

E. Act, 1902, s. 9.

The Board of Education in deciding on such an appeal are to have regard to the same facts as where in cases of dispute

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they determine whether a school is necessary or not (see p. 23). And any school built in contravention of the decision of the Board of Education is to be treated as unnecessary.

As a result of the above, all public elementary schools established after the passing of the Act will have to run the gantlet of clause 9.

"**To be Treated as Unnecessary.**"—And therefore ineligible for annual Parliamentary grant (D. S. Code, 1903, Art. 80), p. 649.

Powers of local education authority with regard to provision of school accommodation (E. E. Act, 1870, s. 19).

Every local education authority for the purpose of providing sufficient public school accommodation for the area for which they act may exercise all or any of the following powers :—

(a) Provide, by building or otherwise, school houses properly fitted up.

(b) Improve, enlarge, and fit up, any school houses provided by them.

(c) Supply school apparatus and everything necessary for the efficiency of the schools provided by them.

(d) Purchase and take on lease any land or any right over land.

"**Public School Accommodation.**"—See p. 24.

"**School House.**"—As to what this includes see p. 91.

"**Everything Necessary for the Efficiency of the Schools.**"—Including prizes (i.) for proficiency, (ii.) for best attendance.

Purchase of Land.—With respect to the purchase of land by local education authority under the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, see sect. 20, E. E. Act, 1870, p. 198. E. E. Act, 1873, s. 15, p. 220. "Land" includes houses and buildings (Interpretation Act, 1889).

Sale, &c., of surplus lands (E. E. Act, 1870, s. 22).

The local education authority, with respect to the whole or any part of any land or school house belonging to them which they do not require, may act under the provisions of the Charitable Trusts Acts, 1853—1869, relating to the sale, leasing, and exchange of lands belonging to any charity, with

the modification that the Board of Education are to be deemed to be substituted in those Acts for the Charity Commissioners.

See the Acts 16 *&* 17 *Vict. c.* 137, *ss.* 21, 24—26; 18 *&* 19 *Vict. c.* 124, *ss.* 16, 29, 32, 34, 38, 39; 23 *&* 24 *Vict. c.* 136; 25 *&* 26 *Vict. c.* 112; 32 *&* 33 *Vict. c.* 110, *s.* 12. *Also E. E. Act*, 1870, *s.* 78.

For powers of local education authority to borrow for any of the above purposes, see p. 168.

Power of local education authority to become trustees and to accept gifts for educational purposes (E. E. Act, 1873, s. 13).

A local education authority are able, and are to be deemed always to have been able, to be constituted trustees for any educational endowment or charity for purposes connected with education, whether such endowment or charity was established before or after 9th August, 1870 (*the date of the passing of the E. E. Act*, 1870). They also have, and are to be deemed always to have had, power to accept any real or personal gift given to them as an educational endowment, or upon trust for any purposes connected with education. Provided, however, that :—

(1.) The purposes of such endowment, charity, or trust must not be inconsistent with the principles on which the local education authority are required by sect. 14 of the E. E. Act, 1870, to conduct schools provided by them.

(2.) Every school connected with such endowment, charity, or trust is to be deemed a school provided by the local education authority, except that the local education authority may not expend any money out of the local rate for any purpose other than elementary education.

(3.) The law of Mortmain and the Act Geo. IV. c. 36, are to remain unaffected.

For the principles on which the local education authority are required to conduct schools, see sects. 7 *and* 14, *E. E. Act*, 1870. *known as the "Conscience" and "Cowper-Temple" clauses respectively, see pp.* 21, 85.

For power of local education authority to accept transfer of schools from managers of elementary schools, see p. 93.

"To be deemed a School provided by the Local Education Authority."—See p. 22.

"The Law of Mortmain."—The Mortmain and Charitable Uses Act, 1888 (51 & 52 Vict. c 42), and so much of the Mortmain and

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Charitable Uses Act, 1891 (54 & 55 Vict. c. 73), as requires that land assured by will shall be sold within one year from the death of the testator, is not to apply to any assurances, within the meaning of the said Act of 1888, of land for the purposes of a school house for an elementary school (E. Act, 1902 (2 Edw. VII. c. 42), s. 23 (5)).

Power to provide vehicles and pay travelling expenses (E. Act, 1902, s. 23 (1)).

The local education authority have power to provide vehicles, or the payment of reasonable travelling expenses, for teachers or children attending school or college whenever they consider such provision or payment required by the circumstances of their area or of any part thereof.

Previous to the Act of 1902, the power of providing conveyances only existed in the case of defective and epileptic children. See p. 32.

§ 2. *The Provision of Elementary Education for Blind and Deaf Children.*

E. E. (B. & D. C.) Act, 1893, s. 2 (1).

It is the duty of every local education authority to enable blind and deaf children resident in their area, for whose elementary education efficient and suitable provision is not otherwise made, to obtain such education in some school (*a*) for the time being certified by the Board of Education as suitable for providing such education, and for that purpose either :—

(a) To establish or acquire and to maintain a school so certified ; or

(b) To contribute, on such terms and to such extent as may be approved by the Board of Education, towards the establishment or enlargement, alteration and maintenance of a school so certified, or towards any of these purposes ; and

(c) When necessary or expedient to make arrangement, subject to regulations of the Board of Education, for boarding-out any blind or deaf child in a house conveniently near to the certified school where the child is receiving elementary education.

E. E. (B. & D. C.) Act, 1893, s. 2 (2).

The duty of a local education authority under this section does not extend to children who are :—

(i.) Idiots or imbeciles ; or

(*a*) *As to what "school" includes, see p.* 258.

(ii.) Residents in a workhouse, or in any institution to which they have been sent by a board of guardians from a workhouse ; or

(iii.) Boarded out by guardians.

Transfer of Duties under the Act of 1893 to County Council.—The duty of providing elementary education for blind and deaf children was, by the E. E. (Blind and Deaf Children) Act 1893, cast upon the "school authority" under that Act. Such school authority was for an area under a school board, the school board ; for an area not under a school board, the district councils of urban and rural districts acting through a committee of such council appointed for educational purposes.

The E. Act, 1902, repeals that part (b) of sect. 4 of the Act of 1893 which constituted a district council "a school authority" for the purposes of that Act, but leaves untouched that part of the section (a) which constituted a school board such authority. The result of this is that a district council *qua* district council will no longer be a "school authority" under the Act of 1893, but only in so far as it happens to be a local education authority, and as such a successor to the duties of a school board under the Act. That can only happen in the case of the larger urban districts with a population over 20,000 (*vide supra*). Accordingly the E. Act, 1902, Sch. II. (7), provides that where a district council by reason of that Act ceases to be a "school authority" within the meaning of the Act of 1893, any property or rights acquired and any liabilities incurred under that Act is to be transferred to the county council. The county council are also given power to raise any expenses incurred by them to meet any liability of a school authority under that Act, whether a district council or school board, transferred to the county council, off the whole of their area, or off any parish or parishes which in the opinion of the council are served by the school in respect of which the liability has been incurred.

Where such a transfer takes place sects. 85—88 of the L. G. Act, 1894, as modified by Sch. II. (8) of the E. Act, 1902, will apply (see p. 6), and should any adjustment be necessary sect. 68 of the L. G. Act, 1894, p. 8.

"It is the duty of every local Education Authority."—And so apparently enforceable by mandamus, see p. 75.

"Blind and Deaf Children."—This means children between five and sixteen years of age too blind to be able to read the ordinary school books used by children, and children between seven and sixteen years of age too deaf to be taught in a class of hearing children in an elementary school (E. E. (Blind and Deaf Children) Act, 1893 (56 & 57 Vict. c. 42), ss. 1, 11, 15).

"Elementary Education."—*Vide supra*, p. 1. But it may include industrial training, see p. 258.

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"**School Certified by the Board of Education.**"—For necessary qualifications for certificate see E. E. (B. & D. Code) Act, 1893 (56 & 57 Vict. c. 42), s. 7, p. 255.

Contribution by Local Education Authority.—Where a local education authority contribute under (b), *supra*, towards the establishment, &c., of a certified school maintained by another authority, the terms approved by the Board of Education:—

(i.) Must include security for repayment of the value of the contribution in the event of the school ceasing to be certified (56 & 57 Vict. c. 42, s. 2 (3)); and

(ii.) May include provision for representation of the contributing local education authority on the governing body of the school to which it contributes, in cases where such representation appears to the Board of Education to be practicable and expedient (56 & 57 Vict. c. 42, s. 3).

"**School Certified by Board of Education.**"—For conditions and effect of grant of certificate for school for blind or deaf children, and for provisions as to religious instruction in such schools, *see ss. 7 and 8 of 56 & 57 Vict. c. 42, pp. 255, 256.*

For building rules of the Board of Education as to schools for blind and deaf children, see p. 483. For List of Schools, p. 486.

"**Boarding out of Blind and Deaf Children.**"—*For Board of Education regulations as to this see p. 473.*

E. E. (B. & D. C.) Act, 1893 s. 5.

For the performance of their duties under this Act a local education authority may, without prejudice to any other powers, exercise the like powers as may be exercised by a local education authority for the provision of school accommodation for the area for which they act.

For these powers see p. 26. For power to borrow see p. 169.
For expenses of a local education authority under this Act see pp. 124, 165.

E. E. (D. & E. C.) Act, 1899, s. 2.

§ 3.—*The Provision of Elementary Education for Defective and Epileptic Children.*

Where a local education authority have ascertained that there are within the area for which they act defective or epileptic children, they may, but are under no obligation to, make provision for the elementary education of such children.

I. In the case of defective children either by:—

(a) Classes in public elementary schools certified by the Board of Education as special classes; or

(b) Boarding out, subject to the regulations of the Board of

Education, any such child in a house conveniently near to a certified special class or school ; or

(c) By establishing schools (*a*) certified by the Board of Education for defective children.

II. In the case of epileptic children :—

By establishing schools (*a*), certified by the Board of Education, for epileptic children.

E. E. (D. & E. C.) Act, 1899, s. 2 (2).

"**Where the Local Education Authority have Ascertained.**"—As to making arrangements for ascertaining the existence of such children, see sect. 1 of the Act, p. 262.

"**Defective or Epileptic Children.**"—Defective children are such children between the ages of seven and sixteen years as by reason of mental or physical defect are incapable of receiving proper benefit from the instruction in the ordinary public elementary schools, but are not incapable of receiving benefit from instruction in such special classes or schools as are mentioned in the Act (E. E. (Defective and Epileptic Children) Act, 1899 (62 & 63 Vict. c. 32), ss. 4 and 11).

"**Special Classes.**"—See minute of Feb. 26, 1900, p. 492.

"**Boarding Out.**"—See regulations as to this, p. 500.

"**Schools Certified by the Board of Education.**"—The E. E. (Blind and Deaf Children) Act, 1893 (see p. 255), respecting the conditions or effect of the grant of certificates, applies in the case of these schools with necessary modifications, except that no requirement need be made as to the proportion of the expenses to be defrayed out of private sources (E. E. (Defective and Epileptic Children) Act, 1899, s. 5), p. 264.

For regulations of Board of Education as to such schools see p. 492.

The regulations as to religious instruction in these schools are the same as those in the case of schools for blind and deaf children (62 & 63 *Vict. c.* 32, *s.* 12 ; 56 & 57 *Vict. c.* 42, *s.* 8), *pp.* 255, 256.

The provisions of Sch. II., E. Act, 1902, as to the transfer of the property, rights, and liabilities of an urban district council which ceases to be "a school authority" within the meaning of the E. E. (Defective and Epileptic Children) Act, 1899, are the same as those which apply under similar circumstances in the case of a district council ceasing to be a "school authority" within the meaning of the E. E. (Blind and Deaf Children) Act, 1893, as to which *vide supra*, p. 29 (E. Act, 1902 (2 Edw. VII. c. 42), Sch. II. (7)).

Power of the local education authority to

The local education authority may also :—

(I.) Establish or acquire and maintain certified schools ; and

(*a*) *As to what "school" includes, see pp.* 258, 266.

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establish, &c. certified schools (E. E. (D. & E. C.) Act, 1899, s. 2 (3)).

(II.) Contribute on such terms and to such extent as may be approved by the Board of Education towards the establishment, enlargement, or alteration, and towards the maintenance of certified schools.

Further, as sect. 5 of the Elementary Education (Blind and Deaf Children) Act, 1893 (*vide supra*, p. 30), is with necessary modifications to apply to the local education authority when acting under this Act, the local education authority may when so acting exercise the like powers as may be exercised by them for the provision of school accommodation for the area for which they act.

As to these powers see pp. 26. 169.

As to power of local education authority to contribute in respect of their children attending classes in the areas of any other local education authority in accordance with 62 & 63 *Vict. c.* 32, *s.* 2 (4), *see p.* 165.

Duty to provide for examination of children (E. E. (D. & E. C.) Act, 1899, s. 2 (5)).

The local education authority are bound to make provision for the examination from time to time of any child dealt with under the above provisions, in order to ascertain whether it is fit to attend the ordinary classes of public elementary schools; they must also make provision for such examination when demanded by the parent of any child, provided that the claim is not made within less than six months after the child has been examined.

As to duty of local education authority to make returns see p. 64.

Power to supply guides and conveyances (E. E. (D.& E. C.) Act, 1899, s. 3).

The local education authority may provide guides or conveyances for children who, in the opinion of the local education authority, are by reason of any physical or mental defect unable to attend school without guides or conveyances.

For similar power now generally possessed by the local education authority, see p. 28.

Local education authority not bound to receive certain children (E. E. (D. & E. C.) Act, 1899, s. 10).

The local education authority are not bound to receive into a special class or school established by them any defective or epileptic child :—

(a) Who is resident in, or whose permanent home in their

opinion is in, the area for which another local education authority act ; or

(b) Who is resident in a workhouse, or in any institution to which he has been sent by the guardians from a workhouse, or boarded out by the guardians,

Unless that other local education authority or, as the case may be, the guardians are willing to contribute towards the expenses of the education and maintenance of the child such sum as may be agreed on between the authorities concerned.

§ 4.—*The Provision of Certified Industrial Schools and Day Industrial Schools.*

The local education authority have power as regards certified industrial schools and certified day industrial schools either to :— E. E. Act, 1870, s. 27 ; E. E. Act, 1876, s. 16 (1).

(I.) From time to time *contribute* such sums of money and on such conditions as they think fit towards :—

(a) The alteration, enlargement, or rebuilding of such a school ; or I. S. Act, 1866, s. 12.

(b) The support of the inmates of such a school ; or

(c) The management thereof ; or

(d) The establishment or building of a school intended to be such a school.

(e) The purchase of land required either for the use of such existing school, or for the site of a school intended to be such a school.

The local education authority must, however, give not less than fourteen days' notice of their intention to take into consideration the making of such contribution at a time and place to be mentioned in such notice, by advertisement in some one or more public newspaper or newspapers circulating within the district of the county or borough, and also in the manner in which notices relating to business to be transacted by the local education authority are usually given. Notice to be given by the local education authority (I. S. Act, 1866, s. 12 ; E. E. Act, 1873, s. 14).

Where the contribution is in respect of any of the purposes (a) (d) (e) (*supra*), the approval of the Home Secretary must be previously given. To obtain which the managers of the Approval of Home Secretary to be obtained (I. S. Act, 1866, s. 12).

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school, or promoters of the intended school must forward to the Home Secretary :

Mode of obtaining approval of Home Secretary (I. S. Act, 1866, s. 13).

(α) Particulars of the proposed establishment or purchase; and

(β) A plan of the proposed alteration, enlargement, rebuilding or building, drawn on such scale, and accompanied by such particulars and estimate of cost, as the Home Secretary thinks fit to require.

E. E. (I. S.) Act, 1879, s. 2.

(II.) Themselves undertake any of the above matters (a)—(e) subject to the like consent as is required in the case of any such contribution.

"**Fourteen Days' Notice.**"—Such notice is not required where a local authority agree to contribute a weekly payment to the maintenance of a child in an industrial school: *Youthful Offenders Act*, 1901, *sect.* 9.

"**Certified Industrial School.**"—A certified industrial school is a school in which industrial training is provided, and children are lodged, clothed and fed, as well as taught. Certified by the Home Secretary under the Industrial Schools Act, 1866 (29 & 30 Vict. c. 118, ss. 5, 7).

"**Certified Day Industrial School.**"—A certified day industrial school is a school certified by the Home Secretary in like manner as under the Industrial Schools Act, 1866 (*vide supra*), in which industrial training, elementary education, and one or more meals a day, *but not lodging*, are provided for the children (E. E. Act, 1876 (39 & 40 Vict. c. 79), s. 16).

Power to establish certified industrial schools and certified industrial day schools with consent of Home Secretary (E. E. Act, 1870, s. 28; E. E. Act, 1876, ss. 15 and 16 (1)).

The local education authority may, with the consent of the Home Secretary, establish, build, and maintain a certified industrial school or a certified day industrial school, and for those purposes have the same powers as they have for the purpose of providing sufficient school accommodation for the area for which they act (see p. 26). They must obtain the same consent where they desire to spread the payment of the expense of such establishment and building over a number of years, or to borrow money for the purpose (see p. 68).

Jurisdiction of Home Secretary as to such schools (E. E. Act, 1870, s. 28).

The local education authority are, however, so far as regards any such industrial school, subject to the jurisdiction of the Home Secretary, in the same manner as the managers of any other industrial school are subject; and the school is subject to the provisions of the Industrial Schools Act, 1866, and not of the E. E. Act, 1870.

A certified *day* industrial school is subject to the jurisdiction of the Home Secretary, and not of the Board of Education and to the provisions of Order in Council, 20th March, 1877 (see p. 510).

"**Power of Providing Sufficient School Accommodation.**"—See p. 26.

"**Jurisdiction of Home Secretary.**"—See Industrial Schools Act, 1866: As to appointment of inspectors, sect. 6.; as to granting of certificates, sects. 7—9; as to withdrawal and resignation of certificates, sects. 44—48; as to approval of building alterations, &c., sects. 11, 12, 13.

Sect. 7 of the Reformatory and Industrial Schools Amendment Act, 1872.

As to his recommendation of Treasury grants, 29 & 30 Vict. c. 118, s. 35.

As to his power of remitting orders for contribution made on parents, sect. 40 (*ibid.*).

As to power to order transfer or discharge of child, sects. 42 and 43 (*ibid.*).

As to giving regulations for religious teaching, sect. 25 (*ibid.*).

See also Order in Council, 1877, p. 510.

As to power to withdraw certificates of day industrial schools, see E. E. Act, 1876, s. 16, p. 235.

Power of local education authority to discontinue and change sites of schools (E. E. Act, 1870, s. 18).

The local education authority may discontinue any school provided by them, or change the site of any such school if they satisfy the Board of Education that the school to be discontinued is unnecessary, or that a change of site is expedient.

Sect. III.—DUTIES AND POWERS OF LOCAL EDUCATION AUTHORITY AS REGARDS BYE-LAWS.

§ 1.—*The Making of Bye-laws.*

E. E. Act, 1870, s. 74; E. E. Act, 1900, s. 6 (3); E. E. Act, 1880, s. 2; E. E. Act, 1902, Sch. III. (9).

Making of bye-laws enforceable by mandamus (E. Act, 1902 Sch. III. (9)).

Every local education authority has power from time to time, with the approval of the Board of Education, to make bye-laws for all or any of the purposes (A)—(E), *infra*. Should it at any time appear to the Board of Education that in the area for which any local education authority acts there are no bye-laws in force under sect. 74 of the E. E. Act, 1870, the Board of Education may either proceed by way of mandamus under sect. 16 of the E. Act, 1902, or may make bye-laws respecting the attendance of children at school in

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Duties and Powers as regards Bye-laws.

that area, and the bye-laws so made have the same effect and may be enforced as though they had been made by the local education authority for that area and sanctioned by the Board of Education.

It is to be noted that the local education authority have the powers of the old school boards and school attendance committees conferred upon them in respect of their whole area, *i.e.*, the whole area of the local education authority. The power, therefore, of making bye-laws will now include the making of bye-laws for non-provided or voluntary schools.

Existing bye-laws preserved (E. Act, 1902, Sch. II. (1), (8); L. G. Act, 1894, s. 87).

All bye-laws of any school board or school attendance committee whose powers and duties are transferred to any council as are in force at the time of the transfer are, so far as they relate to or are in pursuance of the powers and duties transferred, to continue in force as though made by that council, and to be revoked or altered accordingly.

E. Act, 1902, Sch. III. (4).

Where the local education authority is a county council they may make different bye-laws for different parts of the area for which they act.

33 & 34 Vict. c. 75, s. 74; 63 & 64 Vict. c. 53, s. 6 (3).

"**Approval of Board of Education.**"—The local education authority, not less than one month before submitting any bye-law for the approval of the Board of Education, must—

(a) Deposit a printed copy of the proposed bye-laws at their office for inspection by any ratepayer.

(b) Publish a notice of such deposit by advertisement in some one or more of the newspapers circulating in the area for which the local education authority, whose bye-laws are so deposited, acts (Order of Education Department, 15th October, 1875).

(c) Supply a printed copy of the proposed bye-laws gratis to any ratepayer.

For form of deposit notice see p. 577.

The Board of Education before approving of any bye-laws must—

(a) Be satisfied that the deposit above referred to has been made and the notice thereof published.

(b) Cause such inquiry to be made in the area for which the local education authority act as they think requisite.

Validity of bye-laws (E. E. Act, 1870, s. 74; E. E. Act, 1900, s. 6 (3)).

When sanctioned by the Board of Education, bye-laws have effect as though they were part of the E. E. Act, 1870.

No bye-law made under sect. 74 of the E. E. Act, 1870, if otherwise valid, is to be rendered invalid by reason of its being more stringent than the provisions of the E. E. Act, 1876. E. E. Act, 1876, s. 50.

As to the provisions of E. E. Act, 1876, see pp. 49, 64.

(A) Requiring the parents of children of such age (not less than five years nor more than fourteen years) as may be fixed by the bye-laws, to cause such children (unless there is some reasonable excuse) to attend school. Provided that any bye-law requiring a child between twelve and fourteen years of age to attend school must provide for the total or partial exemption of such child from the obligation to attend school if an inspector certifies that such child has reached a standard of education specified in such bye-laws. Bye-laws requiring school attendance (E. E. Act, 1870, s. 74 (1)).

"**Parents.**"—Parent includes guardian and every person who is liable to maintain or has the actual custody of any child (E. E. Act, 1870 (33 & 34 Vict. c. 75), s. (3)).

"**Children.**"—In the case of canal-boat children, they are to be subject to the bye-laws in force either in the place of registration of the boat, or within the area of the local education authority where they actually attend school or receive efficient instruction (Canal Boats Act, 1877 (40 & 41 Vict. c. 60), s. 6), p. 375.

"**Not less than Five.**"—In the case of a deaf child the minimum is seven years (E. E. (Blind and Deaf Children) Act, 1893 (56 & 57 Vict. c. 42), s. (1) (1)). See p. 29.

In the case of defective and epileptic children within 62 & 63 Vict. c. 32, the minimum age is seven years. See p. 31.

"**More than Fourteen Years.**"—The age originally fixed by the E. E. Act, 1870, s. 74 (1), was thirteen. This was altered to fourteen by the E. E. Act, 1900 (63 & 64 Vict. c. 53, s. 6 (1)), and this age will be the maximum limit in the case of bye-laws made since that date (August 8th, 1900). The section, however, does not affect bye-laws already in existence before that date, in which cases thirteen will continue to be the maximum limit until altered. The attendance of children between the ages of thirteen and fourteen in such cases being dealt with by sect. 5 of the E. E. Act, 1876 (see p. 49). 63 & 64 Vict. c. 53, s. 6 (1).

Blind and Deaf Children.—In the case of blind and deaf children within the E. E. (B. & D. Children) Act, 1893 (56 & 57 Vict. c. 42, s. 11), the maximum age is sixteen, and the

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attendance of such children may be enforced as though required by bye-laws.

Defective and Epileptic Children.—The same remarks as to maximum age limit and attendance apply in the case of defective and epileptic children within the E. E. (Defective and Epileptic Children) Act, 1899, as in the case of blind and deaf children (E. E. (D. & E. Children) Act, 1899 (62 & 63 Vict. c. 32), s. 11).

"Reasonable Excuse."—Any of the following are reasonable excuses :—

(a) That the child is under efficient instruction in some other manner.

(b) That the child has been prevented from attending school by sickness or any other unavoidable cause.

(c) That there is no public elementary school open which the child can attend within such distance, not exceeding three miles, measured according to the nearest road from the residence of such child, as the bye-laws may prescribe (E. E. Act, 1870 (33 & 34 Vict. c. 75), s. 74 (5)).

The reasonable excuses above given are not exhaustive, but are given partly as illustrations and as the reasons which are most likely to occur (*Belper School Attendance Committee* v. *Bayley*, 9 Q. B. D. 259 ; 51 L. J. M. C. 91).

Blind and Deaf Children.—As regards children within the E. E. (B. & D. Children) Act, 1893, the fact of a child being blind or deaf is not of itself, except in the case of a *deaf* child under seven years of age, a reasonable excuse for not causing the child to attend school, or for neglecting to provide efficient elementary instruction for the child ; nor of itself is the fact that there is not within any particular distance from the residence of the child any public elementary school which the child can attend (E. E. (B. & D. Children) Act, 1893 (56 & 57 Vict. c. 42), s. 1 (1), (2)).

Defective and Epileptic Children.—As regards children within the E. E. (D. & E. Children) Act, 1899, the fact that there is no certified special class or school within reach of the child's residence constitutes a reasonable excuse, but the fact that a guide or conveyance for the child is necessary does not (E. E. (D. & E. Children) Act, 1899 (62 & 63 Vict. c. 32), s. 4 (1)).

"*Certified Special Class or School.*"—See pp. 30, 31.

"To attend School."—For enforcement of attendance at school, see "Enforcement of Bye-laws," p. 44.

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36 & 37 Vict. c. 86, s. 22.

The local education authority of any area in which a bye-law is in force have power from time to time to supply forms to any public elementary school for the purpose of obtaining reasonable information with respect to the attendance of children residing in their area who attend such school, and should the managers of such school fail either :—

(a) To cause these forms to be truly filled up and returned in manner required by the local education authority; or

(b) To cause such information to be given as will enable the local education authority to ascertain whether a child resident within their area, and attending that school, attends the same as required by the bye-law;

they must cause to be produced to such member or officer of the local education authority, or other person as may be duly authorised in that behalf by the local education authority, at any reasonable time when required by him, the registers and other books and documents containing information with respect to the attendance of children at such school, and must permit him to inspect and take copies of and extracts from the same.

Should any difference arise between a local education authority and the managers of a public elementary school as to whether the information required is or is not reasonable, the matter is to be referred to the Board of Education, whose decision is to be final (E. E. Act, 1873 (36 & 37 Vict. c. 86), s. 22).

"*Public Elementary School.*"—For definition see p. 21.

"*Managers.*"—See p. 78.

"*Registers.*"—The admission and daily attendance of scholars are required to be carefully registered by or under the supervision of the principal teacher, and periodically duly verified, as one of the conditions of earning the annual grant (Day School Code, 1908, Art. 85 (d); p. 651. *For duty of managers to verify registers, see pp.* 86, 87, 685.

Exemptions from school attendance.

Exemption from school attendance may be either total or partial :

1. *Total Exemption.*—To be entitled to obtain this the child must :—

(a) Have attained the age of twelve years ; and

(b) Have received a certificate from an inspector that it has reached the standard fixed by the bye-laws of the local education authority in question (which should not be lower than the fifth : *see Model Bye-laws*, p. 574) as that which must be attained before total exemption can be granted (E. E. Act, 1870 (33 & 34 Vict. c. 75),

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s. 74; E. E. (School Attendance) Act, 1893 (56 &57 Vict. c. 51), s. 1; E. E. (School Attendance Amendment) Act, 1899 (62 & 63 Vict. c. 13), s. 1).

"Reached the Standard."—To reach a standard a child must be individually examined in reading, writing, and arithmetic in that or a higher standard, and must pass in each of those subjects (D. S. Code, 1903, Art. 30).

"Inspector."—That is, an inspector of schools appointed by His Majesty on the recommendation of the Board of Education (33 & 34 Vict. c. 75, s. 3). *For certificates see p.* 591.

Children to be Employed in Agriculture.—In the case of children to be employed in agriculture within the meaning of the E. E. (School Attendance) Act (1893) Amendment Act, 1899, the local education authority may pass for any parish within the area for which they act a bye-law to the effect that the minimum limit within which that exemption may be obtained shall be fixed at thirteen years instead of twelve (62 & 63 Vict. c. 13, s. 1).

As to partial exemption of such children see p. 42. *For certificates see p.* 592.

When Bye-laws only Extend to Children of Thirteen.—Where the bye-laws of the local education authority only require school attendance up to thirteen years, then children between that age and fourteen years can only obtain exemption if they have obtained either:—

(a) A certificate of having passed the fourth standard of the Day School Code in reading, writing, and elementary arithmetic (E. E. Act, 1876 (39 & 40 Vict. c. 79), s. 5, Sch. I. (1) (a)); or

(b) A certificate of 350 previous attendances at a certified efficient school after five years of age in not more than two schools during each year for five years, whether consecutive or not (E. E. Act, 1900 (63 & 64 Vict. c. 53), s. 7); or

For regulations as to these certificates, see Regulations of Board of Education, p. 598.

(c) Are employed and attending school in accordance with the provisions of the Factory Acts (E. E. Act, 1876 (39 & 40 Vict. c. 79), s. 5).

"*Certified Efficient School.*"—This includes:—

(1.) A public elementary school.

(2.) Any workhouse school certified by the Local Government Board.

(3.) Any public or State-aided elementary school in Scotland.

(4. Any national school in Ireland.

(5.) Any elementary school:—
  (a) Not conducted for private profit.
  (b) Open at all times to the inspection of His Majesty's inspectors.
  (c) Requiring the like attendance from its scholars as is required by a public elementary school.
  (d) Keeping such register of attendance as may be for the time being required by the Board of Education.
  (e) Certified by the Board of Education as being an efficient school (E. E. Act, 1876 (39 & 40 Vict. c. 79), s. 48).

(6.) A certified day industrial school (*ibid.*, sect. 16).

(7.) A school certified by the Board of Education as suitable for providing elementary education for blind and deaf children (E. E. (B. & D. Children) Act, 1893 (56 & 57 Vict. c. 42), s. 7 (2)).

(8.) A school certified by the Board of Education as suitable for providing elementary education for defective and epileptic children (E. E. (D. & E. Children) Act (62 & 63 Vict. c. 32), s. 5).

"*Public Elementary School.*"—For definition see p. 21.

"*Workhouse School.*"—For regulations of Board of Education as to granting of certificates in such schools see p. 590.

For a similar definition of "Certified Efficient School" in the Factory and Workshop Act, 1900, *see sect.* 72 (1) *of that Act, p.* 346.

For standards of Day School Code, 1903, *see p.* 668.

"*Provisions of the Factory Acts.*"—*See Factory and Workshop Act*, 1901 (1 *Edw. VII. c.* 22, *Part II.*), *p.* 343.

Total Exemption for the Purpose of Ingathering of Crops.—Total exemption may be obtained under the E. E. Act, 1876 (39 & 40 Vict. c. 79, s. 9), where the local education authority think fit to issue a notice exempting the employment of children above the age of eight years from the prohibitions and restrictions of the E. E. Act, 1876, for the necessary operations of husbandry and the ingathering of crops. Exemption can, however, be but seldom claimed under such a notice, since the E. E. Act, 1880 (43 & 44 Vict. c. 23, s. 4), as amended by the E. E. Act, 1900 (63 & 64 Vict. c. 53, s. 61 (1)), provides that any person who takes into his employment a child under the age of fourteen years, before it has obtained a certificate of having reached the standard of education fixed by a bye-law for the total or partial exemption of children of the like age from the obligation to attend school, is to be deemed to take such child into his employment in contravention of the E. E. Act, 1876, and is to be liable to a penalty accordingly. That section

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makes no provision for an exemption in the issuing of such a notice as is referred to above, and accordingly where bye-laws are in force, and that is everywhere, no child can obtain exemption under such a notice, save in the case of a child between thirteen and fourteen years of age, where the bye-laws fix the maximum age for school attendance at thirteen.

II. *Partial Exemption.*—To be entitled to obtain this the child must—

E. E. (S. A.) Act, 1893, Amendment Act, 1899, s. 1.

(a) Have attained the age of twelve years ; and

(b) Have received a certificate from an inspector that it has reached the standard fixed by the bye-laws of the local education authority in question, which should not be lower than the fourth (see Model Bye-Laws, p. 574), as that which must be attained before partial exemption can be granted ; or

E. E. (S. A.) Act, 1893, Amendment Act, 1899, s. 1.

(c) Have made 300 attendances in not more than two schools during each year for five preceding years, whether consecutive or not.

"**Inspector.**"—See p. 40.

"**Reached the Standard.**"—See p. 40.

"**Have made 300 attendances.**"—With respect to partial exemption under (c), *supra*, in the view of the Board of Education, such partial exemption can only be claimed where the bye-laws in question make provision for partial exemption, which they do not always do. *For certificates see p.* 592.

62 & 63 Vict. c. 13, s. 1.

Children employed in Agriculture.—In the case of "children to be employed in agriculture" within the meaning of 62 & 63 Vict. c. 13, s. 1, where the local education authority have by bye-law fixed thirteen years as the minimum for total exemption (*vide supra*, p. 40), then such bye-law is also to provide that such children of over eleven years and under thirteen years of age who have passed the standard fixed by the bye-laws in question for partial exemption are not to be required to attend school more than 250 times in any year.

Bye-laws as to period of school attendance (E. E. Act, 1870, s. 74 (2)).

(B) Determining the time during which children are to attend school, provided that no bye-laws are :—

(a) To prevent the withdrawal of any child from any

religious observance or instruction in religious subjects; or

(b) To require any child to attend school on any day exclusively set apart for religious observances by the religious body to which his parent belongs; or

(c) To be contrary to anything contained in any Act for regulating the education of children employed in labour.

"**Time during which Children are to attend School.**"—The Model Bye-Laws (see p. 574) provide that the time shall be the whole time for which the school selected is open for the instruction of children of similar age, including the day fixed by the inspector for his annual visit.

"**Parent.**"—For definition see p. 37.

"**Acts Regulating the Education of Children Employed in Labour.**"—See Factories Act, 1901 (1 Edw. VII. c. 22), p. 343; the Canal Boats Acts, 1877 (40 & 41 Vict. c. 60) and 1884 (47 & 48 Vict. c. 75), pp. 375–6; Metalliferous Mines Regulation Act, 1872 (35 & 36 Vict. c. 39), p. 65; Coal Mines Regulation Act, 1887 (50 & 51 Vict. c. 58), p. 68; the Mines (Prohibition of Child Labour Underground) Act, 1900 (63 & 64 Vict. c. 21), p. 65.

(C) Providing for the remission of the whole, or any part of the fees of any child where the parent satisfies the local education authority that he is unable from poverty to pay the same.

As to remission of fees see p. 138.

(D) Imposing penalties for the breach of any bye-laws.

E. E. Act, 1870, s. 74.

"**Penalties.**"—The amount of such penalty under the E. E. Act, 1870, was with costs not to exceed 5*s.*; but 20*s.* was substituted for 5*s.* by the E. E. Act, 1900 (63 & 64 Vict. c. 53), s. 6 (2). Consequently, as regards bye-laws made since the date of the later Act (August 8th, 1900), 20*s.* will be the limit, whereas it will continue to be 5*s.* in the case of bye-laws made previously until altered.

Where the fine adjudged to be paid does not exceed 5*s.*, then, except so far as the Court may think fit to expressly order otherwise, an order is not to be made for payment by the defendant to the informant of any costs; and the Court are, except so far as they think fit to expressly order otherwise, to direct all fees payable

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or paid by the informant to be remitted or repaid to him; the Court may also order the fine, or any part thereof, to be paid to the informant in or towards the payment of his costs (Summary Jurisdiction Act, 1879, s. 8.)

For enforcement of penalties, vide infra.

Where, however, a person takes into his employment a child between twelve and fourteen years of age, resident within the area for which a local education authority acts, before such child has obtained a certificate of having reached the standard of education fixed by a bye-law in force in such area for the total or partial exemption of children of the like age from the obligation to attend school, he is liable to a penalty not exceeding 40*s*. (E. E. Act, 1876 (39 & 40 Vict. c. 79), s. 6; E. E. Act, 1880 (43 & 44 Vict. c. 23), s. 4).

Partial or Total Exemption.—See pp. 39, 42.

(c) Revoking or altering any bye-laws previously made.

E. E. Act, 1880, s. 2.

The power of the local education authority to make and alter any bye-laws extends not only to bye-laws made by them, but also to those which may be made by the Board of Education where there are no bye-laws in force.

As to power of Board of Education to make bye-laws see p. 35.

§ 2.—*The Enforcement of Bye-laws.*

E. E. Act, 1876, s. 23.

It is the duty of any local education authority to enforce the bye-laws made by them.

Appointment of Officers to enforce Bye-laws.—See p. 54.

E. E. Act, 1870, s. 74.

Offences and penalties under bye-laws may be prosecuted or recovered under the Summary Jurisdiction Acts.

"**Summary Jurisdiction Acts.**"—By the Interpretation Act, 1889 (52 & 53 Vict. c 63, s. (12), (7), (10)), this means the Summary Jurisdiction Act of 1848 (11 & 12 Vict. c 43), and the Summary Jurisdiction Act, 1879 (42 & 43 Vict. c. 49), and any Act past or future amending those Acts or either of them.

Constitution of court (E. E. Act, 1870, s. 92).

A Court of Summary Jurisdiction when hearing and determining any information or complaint as to breach of bye-laws is to be constituted either of:—

E. E. Act, 1873, s. 23.

(a) Two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions; or

(b) Some magistrate or officer sitting alone or with others

at some court or other place appointed for the administration of justice, and for the time being empowered by law, to do alone any act authorised to be done by more than one justice of the peace.

"**Court of Summary Jurisdiction.**"—This means any justice or justices of the peace, or other magistrate by whatever name called to whom jurisdiction is given by, or who is authorised to act under the Summary Jurisdiction Acts, or any of them, or under any other Act, or by virtue of his commission, or under the common law (Interpretation Act, 1889 (52 & 53 Vict. c. 63), s. 12 (11)).

"**Information or Complaint.**"—An information is laid against a person charged with the commission of, or who is suspected to have committed, an offence for which he is liable by law upon a summary conviction to be imprisoned or fined, or otherwise punished (S. J. Act, 1848 (11 & 12 Vict. c. 43), s. 1).

An information is not required to be in writing, but writing seems contemplated.

A complaint against a person is made when that person is liable by law to have an order made upon him by justices for the payment of money, or to do some act which he has refused or neglected to do contrary to law.

A complaint need not be in writing.

The information must be laid within six months from the day on which the matter of complaint arose or the offence was committed (S. J. Act, 1848 (11 & 12 Vict. c. 43), s. 11).

Under the Factory and Workshop Act, 1901 (1 Edw. VII. c. 22, s. 146), the information must be laid within three months after the date at which the offence comes to the knowledge of the inspector for the district within which the offence is charged to have been committed.

"**Some Magistrate or Officer sitting alone.**"—By the Stipendiary Magistrates Act, 1858 (21 & 22 Vict. c. 73, s. 1), every stipendiary magistrate appointed for any city, town, liberty, borough, place or district sitting at a police court or other place appointed in that behalf, has power to do alone any act and to exercise alone any jurisdiction which under any law then in force, or under any law not containing an express enactment to the contrary thereafter to be made, may be done or exercised by the justices of the peace, and all the provisions of any Act of Parliament auxiliary to the jurisdiction of such justices are to be applicable also to the jurisdiction of such stipendiary magistrate.

Regulations as to legal proceedings (S. J. Act, 1879, s. 39 (1), (2)).

The description of any offence in the words of the bye-law or in similar words is sufficient. Any exception, exemption,

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proviso, excuse, or qualification, whether it does or does not accompany in the same section the description of the offence in the bye-law creating the offence, may be proved by the defendant, but need not be specified or negatived in the information or complaint, and, if so specified or negatived, no proof in relation to the matter so specified or negatived is to be required on the part of the informant or complainant.

E. E. Act, 1873, s. 24 (3).

In any proceeding for an offence under a bye-law the court may, instead of inflicting a penalty, make an order directing that the child shall attend school, and that, if he fail to do so, the person on whom such order is made shall pay a penalty not exceeding the penalty to which he is liable for failing to comply with the bye-law.

For penalty for non-compliance with a bye-law, see ante, p. 43.

Order for production of child before Court (E. E. Act, 1873, s. 24 (4)).

Any justice may require by summons any parent or employer of a child, required by a bye-law to attend school, to produce the child before a court of summary jurisdiction, and any person failing to comply with such summons without reasonable excuse to the satisfaction of the Court, is liable to a penalty not exceeding 20*s*.

"**Parent.**"—For definition see p. 37.

"**Required by a bye-law to attend school.**"—See p. 37.

"**Court of Summary Jurisdiction.**"—See above, p. 45.

Certificate made evidence (E. E. Act, 1873, s. 24 (5)).

A certificate purporting to be under the hand of the principal teacher of a public elementary school stating :—

(a) That a child is or is not attending such school; or

(b) The particulars of the attendance of a child at such school; or

(c) That a child has been certified by one of His Majesty's inspectors to have reached a particular standard,

is evidence of the facts stated therein.

Cross References.—Public elementary school, and reaching a standard, p. 40; principal teacher, pp. 649, 658.

Forging certificates (E. E. Act, 1873, s. 25).

The forging or counterfeiting of such a certificate or the giving or signing of such a certificate which is false in any

material particular to the knowledge of the person so giving or signing it; or the using of any such certificate when known to be forged, counterfeit, or false by the person so using it, renders such person liable on summary conviction to imprisonment for a period not exceeding three months, with or without hard labour.

"**Summary Conviction.**"—The proceedings will be taken under the Summary Jurisdiction Acts, as to which *vide supra*, p. 44.

Onus of proof cast on defendant (E. E. Act, 1873 s. 24 (6)).

When a child is apparently of the age alleged for the purposes of the proceeding, it lies on the defendant to prove that the child is not of such age. (*See a similar provision in Factory and Workshop Act*, 1901 (1 *Edw. VII. c.* 22.), p. 343).

Certified copies of the entry of a child's birth in the register may be obtained on presenting a written requisition and payment of 6*d.* from a registrar or superintendent registrar (*Factory and Workshop Act*, 1901, *s.* 134, p. 348; and order of Local Government Board made thereunder, p. 594). Such certificates may also be obtained under the E. E. Act. 1876, s. 25, but the fee under that section is 1*s.* (see p. 237).

Where a child is attending an elementary school which is not a public elementary school, it lies on the defendant to show that the school is efficient, and the Court in considering whether an elementary school is efficient, is to have regard to—

(a) The age of the child;

(b) The standard of education corresponding to such age prescribed by the minutes of the Board of Education for the time being in force with respect to the Parliamentary grant.

"**Elementary School.**"—For definition see p. 22.

"**Public Elementary School.**"—For definition see p. 21.

"**Efficient.**"—See D. S. Code, 1903, Art. 86, p. 651.

"**Minutes of Board of Education for Time being in Force.**"—The D. S. Code, 1903, p. 629.

When a local education authority are, by reason of the default of the managers or proprietors of an elementary school, unable

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to ascertain whether a child who is resident within the area for which such local education authority act and who attends such school, attends school in conformity with a bye-law made by such local education authority, it lies on the defendant to show that the child has attended school in conformity with the bye-law.

Cross References. — Power of local education authority to obtain information as to attendance of children at public elementary school (see p. 39).

"**Elementary School.**"—For definition see p. 22.

Appearance by defendant (E. E. Act, 1873, s. 24 (9)).

Any person may appear by any member of his family or any other person authorised by him in that behalf.

Appearance by local education authority (E. E. Act, 1870, s. 85).

The local education authority may appear by their clerk, or by some member of the authority authorised by a resolution of the authority.

"**Appear by their Clerk.**"—In the case of *R.* v. *Justices of London* [1896], 1 Q. B. 659, 65 L. J. M. C. 120, similar words in the Valuation (Metropolis) Act, 1869 (32 & 33 Vict. c. 67, s. 62), were held not to give the local authority a right to be heard by their clerk where there was a rule of the Court that parties were only to be heard by counsel; that the object of the words was to enable the clerk to appear for all the members of the local authority instead of its being necessary for them to appear individually.

"**Resolution.**"—The resolution must appear on the minutes of the local education authority, but until the contrary is proved, is to be deemed in any legal proceedings to appear on such minutes.

Discretion of local education authority as to mode of procedure (E. E. Act, 1876, s. 50).

Where any act, neglect, or default is punishable under the E. E. Act of 1876, and also under any other enactment or under any bye-law, then proceedings may, in the discretion of the local education authority, or person instituting the proceedings, be instituted in respect of such act, neglect, or default, either under the E. E. Act of 1876, or such other enactment or the bye-law.

E. E. Act, 1880, s. 4.

And such proceedings may be instituted under the bye-laws even should the act, neglect, or default in question amount to "habitual neglect to provide efficient elementary education for a child" within the E. E. Act, 1876, s. 11.

39 & 40 Vict. c. 79, s. 50.

But proceedings cannot be taken in respect of the same act, neglect, or default in more than one manner.

Legal proceedings not to be commenced by officers of local education authority unless authorised (E. E. Act, 1876, s. 38; E. Act, 1902, Sch. III. (3)).

No legal proceedings for non-attendance, or irregular attendance at school are to be commenced in a Court of Summary Jurisdiction by any person appointed to carry out the compulsory bye-laws of a local education authority, except by direction of not less than two members of the education committee, or of any sub-committee appointed by that committee for school attendance purposes.

As to the duty of the local education authority to direct officers to act in execution of bye-laws, see p. 56.

Enforcement of school attendance under the E. E. Act, 1876.

Attendance at school may also be enforced under the E. E. Act, 1876, though owing to the universality of bye-laws it will presumably not be much resorted to, save and except when either it is desired on non-compliance with an "attendance order" to proceed under sect. 12 of the Act of 1876 (*vide infra*), or where the bye-laws do not happen to extend to children over thirteen. It is the duty of the local education authority where either:—

Complaint by local education authority when child does not attend school (E. E. Act, 1876, s. 11 (1)).

(1.) The parent of any child above the age of five years who is prohibited under the Act from being taken into full time employment, habitually and without reasonable excuse neglects to provide efficient elementary education for his child; or

(2.) Any child is found habitually wandering or not under proper control, or in the company of rogues, vagabonds, disorderly persons, or reputed criminals,

to complain, after due warning given to the parent of such child, to a Court of Summary Jurisdiction.

"**Parent.**"—See definition, p. 37.

"**Child.**"—In the E. E. Act, 1876, "child" means a child between 5 and 14 years of age (s. 48), p. 242.

"**Prohibited under the Act from being taken into Full Time Employment.**"—See p. 64.

"**Without Reasonable Excuse.**"—Reasonable excuse under this section exists if:—

(a) There is no public elementary school open which the child can attend within two miles, measured according to the nearest road, from the residence of the child.

(b) The absence of the child has been caused by sickness or any unavoidable cause.

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"**Rogues, Vagabonds, Disorderly Persons.**"—For persons coming within these terms, see Vagrancy Acts, 1824 (5 Geo. IV. c. 83), 1838 (1 & 2 Vict. c. 38), 1873 (36 & 37 Vict. c. 38).

Attendance order (E. E. Act, 1876, s. 11).

The Court of Summary Jurisdiction may, if satisfied of the truth of such complaint, make an "attendance order." Such order directs :—

(a) That the child shall attend some certified efficient school willing to receive him and named in the order, such school being either such as the parent may select, or if he do not select any, then such public elementary school as the Court think expedient.

(b) That the child attend that school every time it is open, or in such other regular manner as is specified in the order.

"**Court of Summary Jurisdiction.**"—See p. 45.

"**Certified Efficient School.**"—This includes a certified *day* industrial school (see p. 40), and where an attendance order is made requiring attendance at such a school, the provisions of Arts. 18 and 19 of the Order in Council of 20th March, 1877, must be strictly adhered to. Such an order cannot therefore, be made for more than one year, or to extend beyond the time when the child will attain the age of fourteen years (Art. 9). For Order see p. 510.

As to contribution of parents in such cases, see p. 141.

"**Public Elementary School.**"—For definition see p. 21.

"Non-compliance with attendance order" (E. E. Act, 1876, s. 12).

Should an "attendance order" not be complied with without any reasonable excuse, the Court of Summary Jurisdiction, on the complaint of the local education authority :—

(1.) In the first case of non-compliance, if the parent of the child—

(a) Does not appear ; or

(b) Appears, and fails to satisfy the Court that he has used all reasonable efforts to enforce compliance with the order ; or

(c) Satisfies the Court that he has used all reasonable efforts to enforce compliance,

may, if it thinks fit, in cases (a) and (b) impose a penalty not exceeding with costs 20*s.* ; and in case (c) without inflicting

a penalty order the child to be sent to a certified day industrial school, or if it appears to the Court that there is no such school suitable for the child, then to a certified industrial school.

"**Attendance Order.**"—*Vide supra.*

"**Reasonable Excuse.**"—That is, reasonable excuse as defined by the E. E. Act, 1876, as to which *vide supra.*

"**Order the Child to be sent to a Certified Day Industrial School, or . . . Certified Industrial School**"—Such an order sending a child to a certified day industrial school is an "order of detention" within the Order in Council, 20th March, 1877, and must be made in the manner provided in the Order. It cannot, therefore, be made for more than a period of three years, nor to extend beyond the time when the child attains fourteen years of age (Art. 18 of the Order). See p. 520.

For definition of "Certified day industrial school" and "Certified industrial school," see p. 34. *For list of such schools, see p.* 553.

Continuing non-compliance with attendance order.

(2.) In the case of a second or any subsequent case of non-compliance with an attendance order, the Court may order the child to be sent either :—

(a) To a certified day industrial school : or

(b) If it appears to the Court that there is no such school suitable for the child, order it to be sent to a certified industrial school ;

imposing in its discretion in each of the above cases a further fine not exceeding with costs 20*s.* ; or

(c) Inflict a penalty not exceeding with costs 20*s.* for each non-compliance, without ordering the child to be sent to an industrial school.

A complaint with respect to a continuing non-compliance with an "attendance order" is not to be repeated by the local education authority at any less interval than two months.

"**Certified Industrial School,**" and "**Certified Industrial Day School.**"—*Vide supra*, p. 34.

When a child is sent to a certified industrial school, he is to be sent in like manner as though sent in pursuance of the Industrial Schools Act, 1866 (29 & 30 Vict. c. 118), ss. 18—20

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(see p. 353), and when so sent he is to be deemed to have been sent in pursuance of that Act and the Acts amending the same.

See The Reformatory and Industrial Schools Acts Amendment Act, 1872, *p.* 371; *Statute Law Revision Act*, 1875; *Industrial Schools Acts Amendment Acts*, 1880, 1894. *See pp.* 372, 373.

See also Reformatory and Industrial Schools Act, 1891.

As to the liability of parents to contribute to the maintenance and training of children sent to certified industrial and certified day industrial schools, see pp. 140, 141.

Where any person states to the local education authority that any child within their jurisdiction is liable :—

(a) To be ordered to attend school under the E. E. Act, 1876 ; or

(b) To be sent to an industrial school under that Act or the Industrial Schools Act, 1866,

the local education authority must proceed under one of those Acts unless it deems it inexpedient.

Licence to child to live out of industrial school (E. E. Act, 1876, s. 14).

When a child is sent to a certified industrial school under the E. E. Act, 1876, or the Industrial Schools Act, 1866, upon the complaint or representation of the local education authority, the managers of such school may, if they think fit, at any time after the expiration of *one month* after the child is so sent, give him a licence under sect. 27 of the Industrial Schools Act, 1866, to live out of the school, but the licence is to be conditional upon the child attending as a day scholar, in such regular manner as is specified in the licence, some school willing to receive him and named in the licence, and being a certified efficient school.

"After the Expiration of One Month."—In ordinary certified industrial schools a licence can only be obtained after the child has been there eighteen months (see Industrial Schools Act, 1866, s. 27), but in certified truant industrial schools such a licence can be obtained after one month. *For Model Rules for such schools, see p.* 535.

"Certified Efficient School."—A certified *day* industrial school comes within this (see p. 40). Accordingly where a child is licensed to attend such a school, the provisions of the Order in Council, 20th March, 1877, relating to a child attending a certified day industrial school *without an order* of a Court apply (See Arts. 17, 20 of Order, pp. 520, 523).

"*Without an Order of a Court.*"—A child may be sent to a certified day industrial school *without* any order of a Court under the following conditions:—

(a) If the managers of such school are willing to receive the child; and

(b) The local education authority and the parent of the child request the managers to receive him; and

(c) The parent undertakes to pay towards the industrial training, elementary education, and meals of the child, such sum, not less than 1*s.* a week, as the Home Secretary from time to time may fix (E. E. Act, 1876 (39 & 40 Vict. c. 79), s. 16 (4)).

In such a case the provisions of the Order in Council, 20th March, 1877, Art. 20, apply. See p. 523.

For similar proceedings where a parent fails to comply with an order of a Court of summary jurisdiction to send an epileptic child of over seven years to school, see E. E. (Defective and Epileptic Children) Act, 1899, s. 4, p. 264.

Sect. IV.—DUTIES AND POWERS AS TO APPOINTMENT OF OFFICERS AND TEACHERS.

The local education authority have power to:— E. E. Act, 1870, s. 35.

(1.) Appoint necessary officers, including the teachers, required for any school provided by them. Such officers to hold office during the pleasure of the local education authority.

(2.) Assign such officers such salaries or remuneration (if any) as they think fit.

(3.) From time to time remove such officers.

"**School Provided by Local Education Authority.**"—As to what are such schools see p. 22.

"**The Local Education Authority has Power to Appoint.**"—Two or more local education authorities may arrange for the appointment of the same person to be an officer to both, or all such local education authorities.

"**Teachers.**"—The term "teacher" includes assistant teacher, pupil teacher, sewing mistress, and any person who forms part of the educational staff of a school (E. E. Act, 1870 (33 & 34 Vict. c. 75), s. 3).

"*Staff of a School.*"—The recognised teachers form this staff (D. S. Code, 1903, Art. 71), p. 647.

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Lay persons alone are recognised as teachers (D. S. Code, 1903, Art. 32), p. 639.

The teachers recognised by the Board of Education are:—(a) Probationers; (b) pupil teachers; (c) provisional assistant teachers; (d) assistant teachers; (e) provisionally certificated teachers; (f) certificated teachers; (g) women approved by the inspector as additional teachers (D. S. Code, 1903, Art. 31), p. 639.

No paid teachers who are members of school boards or school attendance committees can be recognised as part of the school staff (D. S. Code, 1903, Art. 71; E. Act, 1902, Sch. III. (1), (10)).

For regulations of Board of Education as to teachers see D. S. Code, 1903, Chap. III., p. 639.

For pensions see Elementary School Teachers (Superannuation) Act, 1898, p. 326; and Rules, p. 694; and D. S. Code, 1903, Part III., p. 666.

"**Salaries or Remuneration.**"—See p. 165.

"**Remove such Officers.**"—The possession of any premises held over by a master or mistress who has been dismissed, or has ceased to hold office, may be recovered under the provisions of the School Sites Act, 1841, s. 18. See p. 385 (E. E. Act, 1870, s. 86).

"**Teachers in Schools not Provided by Local Education Authority.**"—In the case of a school not provided by them, the local education authority do not appoint the teachers save where there are more candidates for the post of pupil teacher than there are places to be filled, in which case the local education authority is to appoint and determine the respective qualifications of the candidates by examination or otherwise (E. Act, 1902 (2 Edw. VII. c. 42, s. 7 (5)). In all other cases the appointment and dismissal of teachers in such schools is in the managers, subject only to the consent of the local education authority (see pp. 89, 90).

"*Pupil Teachers.*"—*See pp. 640—642 and 684—685.*

Cross References.—Duties and powers of managers, p. 86; duties and powers of local education authority as to maintenance and efficiency of schools, p. 21.

Appointment of officers for enforcing bye-laws, &c. (E. E. Act, 1870, s. 36).

The local education authority may, if they think fit, appoint an officer or officers:—

(I.) To enforce the bye-laws with reference to the attendance of children at school:

(II.) To bring children who are liable under the Industrial Schools Act, 1866, to be sent to a certified industrial school, before the justices in order to their being so sent.

Cross References.—Enforcement of bye-laws, p. 44; bye-laws with reference to attendance at school, p. 37.

"Children Liable under the Industrial Schools Act to be sent to School:

A child:—

(a) That is found:—

(i.) Begging or receiving alms, whether actually or under the pretence of selling or offering for sale anything.

(ii.) In any place or street for either of the above purposes.

(iii.) Wandering and not having any home or settled place of abode, or proper guardianship, or visible means of subsistence.

(iv.) Destitute, either being an orphan or having a surviving parent who is undergoing penal servitude or imprisonment (Industrial Schools Act, 1866 (29 & 30 Vict. c. 118), s. 14).

(b) That frequents the company of reputed thieves or prostitutes (Industrial Schools Act, 1866 (*supra*), and Amendment Act, 1880 (43 & 44 Vict. c. 15), s. 1).

(c) That is lodging, living, or residing with common or reputed prostitutes, or in a house resided in or frequented by prostitutes for the purpose of prostitution (Industrial Schools Amendment Act, 1880, *supra*).

(d) Apparently under the age of twelve years who is charged before two justices or a magistrate with an offence punishable by imprisonment or a less punishment, but who has not been in England convicted of felony, or in Scotland of theft, and who ought, in the opinion of the justices or magistrate (regard being had to his age and to the circumstances of the case) to be dealt with under the Industrial Schools Act, 1866 (*Industrial Schools Act*, 1866, *s.* 15).

(e) Apparently under the age of fourteen years whose parent, stepparent, or guardian represents to two justices or a magistrate that he is unable to control the child, and that he desires that the child be sent to an industrial school under the Industrial Schools Act, 1866, if the justices or magistrate are satisfied on inquiry that it is expedient so to deal with the child (*ibid.* s. 16).

(f) Apparently under the age of fourteen years and who is:—

(1.) Maintained in a workhouse or a pauper school of a union or parish, or in a district pauper school, or in the poorhouse of a parish or combination; and

(2.) Represented by the guardians of the poor of a union or of a parish wherein relief is administered by a board of guardians, or the board of management of a district pauper school, or the parochial board of a parish or combination as being:—

(α) Refractory; or

(β) The child of parents either of whom has been

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convicted of a crime or offence punishable with penal servitude or imprisonment; and

(γ) In either case a child whom it is desirable should be sent to an industrial school.

(3.) A child the justices or magistrates are satisfied it is expedient to deal with under the Industrial Schools Act, 1866 (*ibid.* s. 17).

(g) Under the age of fourteen of any woman convicted of crime after a previous conviction against her, who may be under her care and control at the time of her conviction for the last of such crimes, and who has no visible means of subsistence, or is without proper guardianship (Prevention of Crimes Act, 1871 (34 & 35 Vict. c. 112), s. 14).

"*Industrial School.*"—It is to be borne in mind that under the E. E. Act, 1876, s. 16, a child may, in any case where it may be sent to an industrial school, be sent to a certified day industrial school if the Court before whom it is brought think it expedient. A child under the age of sixteen years brought before a petty sessional Court under the circumstances authorising the Court to deal with the child under the Industrial Schools Acts may, if the Court thinks fit, be committed to the custody of a relation or person named by the Court, instead of being sent to an industrial school.

Where a Court orders a child to be sent to an industrial school, the order may, at the discretion of the Court, be made to take effect either immediately or at any later time specified therein, regard being had to the age or health of the child; and if the order is not made to take effect immediately, or if at the time specified for the order to take effect the child is deemed unfit to be sent to an industrial school, the Court may commit the child to the custody of a relation or person named by the Court until the time so specified or the time when the order actually takes effect (Prevention of Cruelty to Children Act, 1894 (57 & 58 Vict. c. 41), s. 9.).

"*But who has not been in England convicted of Felony.*"—Where a child having been convicted of felony is discharged in accordance with sect. 16 of the Summary Jurisdiction Act, 1879, or the Protection of First Offenders Act, 1887—*i.e.*, shortly, on his giving security with or without sureties to appear for sentence when called upon, or to be of behaviour or otherwise, or is punished with whipping only—the conviction is not to be regarded as a conviction of felony within sect. 15 of the Industrial Schools Act, 1866 (Youthful Offenders Act, 1901 (1 Edw. VII. c. 20), s. 1.)

For expenses incurred under sect. 36 of E. E. Act, 1870, see p. 205.

Duty of local education authority to

It is further the duty of the local education authority to direct one or more of their officers to act in the execution of

the E. E. Act, 1876, and of any bye-laws in force within the jurisdiction of such authority, and they have power if they think fit to pay him or them for so doing, and also if there is need to appoint and pay officers for the purpose.

direct officers to enforce bye-laws (E. E. Act 1876, s. 28).

As to legal proceedings for non-attendance at school see pp. 44, 49.

Transfer of officers under E. Act, 1902 (Sch. II. (16)).

The officers of any authority, the property, rights and liabilities of which are transferred to any council, are to be transferred to and become the officers of such council, but the council may abolish the office of any such officer whose office they deem unnecessary.

For similar provisions in the L. G. Acts, 1888 *and* 1894, *see sects.* 119 *and* 81 *of those Acts respectively.*

"**Any Authority whose Property, Rights and Liabilities are Transferred.**"—These authorities seem to fall into two classes:—

(a) School boards, and school attendance committees, existing at the appointed day (E. Act, 1902 (2 Edw. VII. c. 42), Sch. II. (1)).

(b) Any council which relinquishes its duties in favour of a county council (E. Act, 1902 (2 Edw. VII. c. 42), s. 21 (b), Sch. II. (2)).

"**May abolish.**"—As to compensation in the case of abolished offices (*vide infra*), p. 58.

Position of transferred officers (E. Act, 1902, Sch. II. (17)).

Every officer so transferred is:—

(a) To hold his office by the same tenure, and on the same terms and conditions as before the transfer.

(b) To receive not less salary or remuneration than theretofore while performing the same duties, but if required to perform duties which are not analogous to, or which are an unreasonable addition to those which he is required to perform at the date of the transfer, he may relinquish his office.

"**The same Tenure.**"—That is apparently, in the case of officers of School Boards, during the pleasure of the council (*vide supra*, p. 53).

In the case of "School attendance officers" appointed by guardians under the E. E. Act, 1876, ss. 28, 31, and orders of the

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Local Government Board (14th April, 1877), the office was to be held until death, resignation, dismissal by the Local Government Board, or school attendance committee with assent of the guardians, or on proof of insanity by evidence deemed sufficient by the Local Government Board.

"**Date of the Transfer.**"—The date in the case of the transfer of the property, rights and liabilities of a school board or school attendance committee will be "the appointed day" (E. Act, 1902, Sch. II. (1)). *For "Appointed day" see p. 5.* In the case of a relinquishment of powers and duties to a council (see p. 74), the date on which the relinquishment takes place (E. Act, 1902, Sch. II. (2) (8) (a)).

Compensation to officers (E. Act, 1902, Sch. II. (16), (21)).

(i.) Officers transferred under the Act; and

(ii.) Any other officers, including officers who relinquish their offices, and officers whose offices are abolished (*vide supra*),

who by virtue of the Act, or anything done in pursuance of or in consequence of the Act, suffer any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, are entitled to compensation under the Act and sect. 120 of the L. G. Act, 1888, dealing with compensation to "existing officers" is to apply, with, in the case of officers within (ii.), *supra*, necessary modifications.

"**Entitled to Compensation.**"—This does not apply in the case of voluntary school teachers. They are not "officers." Nor does it entitle board school teachers who may be dismissed to compensation so long as the terms of their contracts as to notice of dismissal are observed, but to such cases as where a school board is abolished and the school board clerks lose their office.

"**Sect. 120 of the L. G. Act, 1888.**"—This section provides:—

Compensation to existing officers (L. G. Act, 1888, s. 120).

120.—(1.) Every existing officer declared by this Act to be entitled to compensation, and every other existing officer, whether before mentioned in this Act or not, who by virtue of this Act, or anything done in pursuance of or in consequence of this Act, suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, shall be entitled to have compensation paid to him for such pecuniary loss by the county council (*a*), to whom the powers (*b*) of the authority, whose officer he was, are transferred under this Act, regard being had to the conditions on which his appointment was made, to the nature of his office or employment, to the duration of his service (*c*), to any additional

emoluments which he acquires by virtue of this Act or of anything done in pursuance of or in consequence of this Act, and to the emoluments which he might have acquired if he had not refused to accept any office offered by any council (*a*) or other body acting under this Act, and to all the other circumstances of the case, and the compensation shall not exceed the amount which, under the Acts and rules relating to Her Majesty's Civil Service (*d*), is paid to a person on abolition of office.

(2.) Every person who is entitled to compensation, as above mentioned, shall deliver to the county council (*a*) a claim under his hand setting forth the whole amount received and expended by him or his predecessors in office, in every year during the period of five years next before the passing of this Act, on account of the emoluments for which he claims compensation, distinguishing the offices in respect of which the same have been received, and accompanied by a statutory declaration under the Statutory Declaration Act, 1835, that the same is a true statement according to the best of his knowledge, information, and belief (*e*).

5 & 6 Will. IV. c. 62.

(3.) Such statement shall be submitted to the county council (*a*), who shall forthwith take the same into consideration, and assess the just amount of compensation (if any), and shall forthwith inform the claimant of their decision.

(4.) If a claimant is aggrieved by the refusal of the county council (*a*) to grant any compensation, or by the amount of compensation assessed, or if not less than one third of the members of such council (*a*) subscribe a protest against the amount of the compensation as being excessive, the claimant or any subscriber to such protest (as the case may be) may, within three months after the decision of the council (*a*), appeal to the Treasury (*f*), who shall consider the case and determine whether any compensation, and if so, what amount ought to be granted to the claimant, and such determination shall be final.

(5.) Any claimant under this section, if so required by any member of the county council (*a*), shall attend at a meeting of the council (*a*) and answer upon oath, which any justice (*g*) present may administer, all questions asked by any member of the council (*a*) touching the matters set forth in his claim, and shall further produce all books, papers, and documents in his possession or under his control relating to such claim.

(6.) The sum payable as compensation to any person in pursuance of this section shall commence to be payable at the date fixed by the council (*a*) on granting the compensation, or, in case of appeal, by the Treasury (*f*), and shall be a specialty debt (*h*) due to him from the county council (*a*), and may be enforced accordingly in like manner as if the council (*a*) had entered into a bond to pay the same.

(7.) If a person receiving compensation in pursuance of this

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section is appointed to any office under the same or any other county council (*a*) or by virtue of this Act, or anything done in pursuance of or in consequence of this Act, receives any increase of emoluments of the office held by him, he shall not, while receiving the emoluments of that office, receive any greater amount of his compensation, if any, than, with the emoluments of the said office, is equal to the emoluments for which compensation was granted to him, and if the emoluments of the office he holds are equal to or greater than the emoluments for which compensation was granted, his compensation shall be suspended while he holds such office.

(8.) All expenses (*i*) incurred by a county council (*a*) in pursuance of this section shall be paid out of the county fund, as a payment for general county purposes.

(*a*) References to the county council are to include references to a borough or urban district council (E. Act, 1902, Sch. II. (21), (a)).

(*b*) A reference to powers transferred is to be construed as a reference to property transferred (*ibid.* (c)).

(*c*) A council may, if they think fit, take into account continuous service under any school boards or school attendance committees in order to calculate the total period of service of any officer entitled to compensation under the E. Act, 1902 (E. Act, 1902, Sch. II. (18)).

(*d*) The Superannuation Act, 1859 (22 Vict. c. 26), ss. (2) and (7) of which are as follows :—

Ordinary rate of superannuation allowance.

II. Subject to the exceptions and provisions hereinafter contained, the superannuation allowance to be granted after the commencement of this Act to persons who shall have served in an established capacity in the permanent Civil Service of the State, whether their remuneration be computed by day pay, weekly wages, or annual salary, and for whom provision shall not otherwise have been made by Act of Parliament, or who may not be specially excepted by the authority of Parliament, shall be as follows ; (that is to say,)

To any person who shall have served ten years and upwards, and under eleven years, an annual allowance of ten sixtieths of the annual salary and emoluments of his office :

For eleven years, and under twelve years, an annual allowance of eleven sixtieths of such salary and emoluments :

And in like manner a further addition to the annual allowance of one sixtieth in respect of each additional year of such service, until the completion of a period of service of forty years, when the annual allowance of forty sixtieths may be granted ; and no addition shall be made in respect of any service beyond forty years :

Provided always, that if any question should arise in any department of the public service as to the claim of any person or class of persons for superannuation under this clause, it shall be referred to the Commissioners of the Treasury, whose decision shall be final.

Power to Treasury to grant allowances on abolition of offices.

VII. It shall be lawful for the Commissioners of the Treasury to grant to any person retiring or removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organization of the department to which he belongs, by which greater

efficiency and economy can be effected, such special annual allowance by way of compensation as on a full consideration of the circumstances of the case may seem to the said Commissioners to be a reasonable and just compensation for the loss of office; and if the compensation shall exceed the amount to which such person would have been entitled under the scale of superannuation provided by this Act if ten years were added to the number of years which he may have actually served, such allowance shall be granted by special minute, stating the special grounds for granting such allowance, which minute shall be laid before Parliament, and no such allowance shall exceed two thirds of the salary and emoluments of the office.

(*e*) *Form of Statutory Declaration.*—I, A. B., do solemnly and sincerely declare that (the above claim or words to that effect is a true statement according to the best of my knowledge, information, and belief), and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declaration Act, 1835 (5 & 6 Will. IV. c. 62, Schedules); Conveyancing Act, 1881 (44 & 45 Vict. c. 41, s. 68); Interpretation Act, 1889 (52 & 53 Vict. c. 63, s. 21).

Such declaration may be made before any justice of the peace, notary public, or other officer by law authorised to administer an oath (5 & 6 Will. IV. c. 62, s. 18). *The making a false declaration is a misdemeanour and punishable by fine or imprisonment, or both, to an extent limited only by the discretion of the Court* (*Bill of Rights*).

(*f*) "*The Treasury.*"—This means the Commissioners of the Treasury (51 & 52 Vict. c. 41, s. 100).

(*g*) The chairman of a county council is *ex-officio* a justice of the peace for the county (51 & 52 Vict. c. 41, s. 5 (6)). In the case of a borough, the mayor is a justice of the peace in the borough, and unless disqualified to be mayor, continues to be so during the year next after he ceases to be mayor (Municipal Corporation Act (45 & 46 Vict. c. 50), s. 155). As chairman of an urban district council he is also *virtute officii* a justice of the peace for the county (*vide infra*). In the case of an urban district council the chairman, unless a woman or personally disqualified by any Act, is *virtute officii* a justice of the peace for the county in which the district is situate (L. G. Act, 1894 (56 & 57 Vict. c. 73), s. 22).

(*h*) "*Specialty debt,*" and so not statute barred until the expiration of twenty years.

(*i*) Any expenses are to be paid out of the fund or rate out of which the expenses of a council under the E. Act, 1902, are paid (see pp. 147—156), and if any compensation is payable otherwise than by way of an annual sum, the payment of that compensation is to be a purpose for which a council may borrow for the purposes of the E. Act, 1902 (see p. 168), (E. Act, 1902, Sch. II. (21) (d)).

Any local education authority who have established any pension scheme, or scheme for the superannuation of their officers, may admit to the benefit of that scheme any officers transferred on such terms and conditions as they think fit.

Pensions (E. Act, 1902, Sch. II. (20)).

If an officer of any authority to which the Poor Law Officers' Superannuation Act, 1896 (59 & 60 Vict. c. 50), applies is

Ibid. (19)

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transferred to any council and has made the annual contributions required to be made by that Act, the provisions of that Act are to apply, subject to such modification as the Local Government Board may by order direct for the purpose of making that Act applicable to the case.

"**Officers.**"—The officers referred to are school attendance officers appointed with the consent of the guardians under the E. E. Act, 1876, ss. (28), (31), who, by the Poor Law Officers Superannuation Act, 1896, s. 19, are deemed to be in the service of the guardians of the union in which their districts are situated, and consequently entitled to the benefits conferred by sect. 2 of the Act on "officers and servants in the service or employment of the guardians of a union or parish."

E. Act, 1902, Sch. II. (22).

Should any adjustment be required in respect of the above purposes, sect. 68 of the L. G. Act, 1894, is to apply. For that section see p. 8.

Sect. V.—POWERS AND DUTIES AS TO MAKING REPORTS AND RETURNS.

It is the duty of the local education authority to furnish the Board of Education with the following :—

General reports (E. E. Act, 1870, s. 95).

(1) Such report and returns and such information as the Board may from time to time require.

Annual reports (E. E. Act, 1870, s. 67).

(2) Not oftener than once a year a return containing such particulars with respect to the elementary schools and children requiring elementary education in the area for which they act as the Board of Education may from time to time require.

Board of education to supply forms (*ibid.* s. 68).

The Board of Education is to supply the requisite number of forms for the purpose of such return to the local education authority.

Managers and teachers to fill up forms. (*ibid.*).

The managers or principal teachers of any school required to be included in any such return must fill up the form and return it to the local education authority within the time specified in that behalf in the form ; should they neglect or refuse to do so, the school is not to be considered as giving efficient elementary education, and consequently will not be entitled to the annual grant (D. S. Code, 1903, Art. 87), p. 651.

Ibid. s. 72.

"**Elementary Schools.**"—For definition see p. 22.

"**Elementary Education.**"—See p. 1.

"**Managers.**"—As to managers see p. 78.

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The local education authority may, with the sanction of the Board of Education, employ persons to assist in making such returns, and may pay those persons such remuneration as the Treasury may sanction. That remuneration and all such other reasonable expenses incurred by the local education authority in making such returns as the Treasury may sanction, are to be paid by the Board of Education.

E. E. Act, 1870, s. 69.

Should the local education authority fail to make a return, the Board of Education may appoint any person or persons to make such returns, and the person or persons so appointed have for that purpose the same powers and authorities as the local education authority. The Board of Education may also appoint such person or persons in the first instance without requiring the local education authority to make a return.

Failure to make such returns (E. E. Act, 1870, s. 70).

E. E. Act, 1873, s. 19.

The Board of Education has power to appoint persons to act as inspectors of returns, whose duty it is :—

Appointment and duties of inspectors (E. E. Act, 1870, s. 71).

(a) To inquire into the accuracy and completeness of any one or more of these returns ; and

(b) To inquire into the efficiency and suitability of any school mentioned in any such return, or which ought to have been mentioned therein ; and

(c) To inspect and examine the scholars in any such school.

Where there is no return, the inspector is to proceed as though there had been a defective return. Should the managers or teacher of any school refuse to allow the inspector to inspect the school house or examine any scholar, or examine the books and registers, or make copies or extracts therefrom, such school is not to be considered as giving efficient elementary education, and consequently will not be entitled to the annual grant (D. S. Code, 1903, Art. 87), p. 651.

Ibid. s. 72.

(3) A report of any infraction of the provisions of sect. 7 of the E. E. Act, 1870 (the "Conscience clause," see p. 21), in any public elementary school within the area for which they act which may come to their knowledge ; and

Reports as to infraction of "Conscience clause" (E. E. Act, 1876, s. 7).

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(4) Any complaint they may receive of the infraction of those provisions.

Returns under the E. E. (D. & E. C.) Act, 1899.

(5) Such returns as the Board of Education may require under the E. E. (D. & E. Children) Act, 1899 (62 & 63 Vict. c. 32), s. 13.

Sect. VI.—POWERS AND DUTIES AS TO THE ENFORCEMENT OF NON-EMPLOYMENT OF CHILDREN.

E. E. Act, 1876, s. 7 (1), (2).

It is the duty of the local education authority to enforce within the area for which they act the provisions of the E. E. Act, 1876, and subsequent Acts, as to the non-employment of children within certain age limits; and with a view to making the provisions of the Act of 1876 known they are to publish them within their jurisdiction in such manner as they think best calculated to do so. In the case, however, of factories workshops, and mines, it is the duty of the inspectors and sub-inspectors acting under the Acts regulating such places to enforce the provisions above referred to, and not that of the local education authority, the local education authority being only bound to assist such inspectors and sub-inspectors in the performance of their duty by information or otherwise.

The provisions of the E. E. Act, 1876, and subsequent Acts, forbid the employment of children save and except where they may be entitled to partial or total exemption under bye-laws or that Act.

For total and partial exemption, see pp. 39—42.

"**Subsequent Acts.**"—E. E. (School Attendance) Act, 1893 (56 & 57 Vict. c. 51), s. 1, fixing at eleven years; E. E. (School Attendance) Act, 1899 (62 & 63 Vict. c. 13), s. 1. fixing at twelve years the minimum age for exemption under bye-laws; E. E. Act, 1880 (43 & 44 Vict. c. 23), s. 2, making bye-laws of universal application, and sect. 4 of the same Act, punishing employment in breach of bye-laws as offences under the E. E. Act, 1876. See also 56 & 57 Vict. c. 51, s. 2.

"**Forbids the Employment of Children.**"—Where it is said that the employment of children is forbidden by the E. E. Act, 1876, and subsequent Acts, save where exemption either total or partial has been gained, it must, of course, be understood that employment during school hours, or in such a manner as to

interfere with due attendance at school is alone spoken of, employment of children out of school hours or on holidays not being forbidden.

The provisions, however, of certain other Acts have to be considered with regard to the employment of children.

Children in Factories.—In the case of factories, employment of children under twelve years of age is absolutely forbidden, save in the case of children lawfully so employed on or before the 1st January, 1902 (Factory and Workshop Act, 1901 (1 Edw. VII. c. 22, s. 62). See p. 343.

Nor can children be employed full time in factories before reaching the age of thirteen years. Consequently should the bye-laws grant total exemption before that age, yet children employed in factories will nevertheless have to attend school under the provisions of the Factory and Workshop Act, 1901. *For school attendance under that Act, see Part III. of the Act, p.* 343. "Child" under the Factory Act, 1901, means a person who is under the age of fourteen years, and who has not, being of the age of thirteen years, obtained the certificate of proficiency or attendance mentioned in Part III. of the Act. See p. 352.

Children in Mines.—The Metalliferous Mines Regulation Act, 1872 (35 & 36 Vict. c. 77), as amended by the Mines (Prohibition of Child Labour Underground) Act, 1900 (63 & 64 Vict. c. 21) provides that:—

Metalliferous Mines Regulation Act, 1872.

Employment of women and children in mines.

4. No boy under the age of twelve years (*a*), and no girl or woman of any age, shall be employed in or allowed to be for the purpose of employment in any mine to which this Act applies below ground.

(*a*) By the Mines (Prohibition of Child Labour Underground) Act, 1900:—

(1) A boy under the age of thirteen years shall not be employed in or allowed to be, for the purposes of employment, in any mine below ground. Accordingly sects. 4 and 5 of the Coal Mines Regulation Act, 1887, and sect. 4 of the Metalliferous Mines Regulation Act, 1872, shall be read and have effect as if for the word "twelve" the word "thirteen" were substituted therein.

(2) Nothing in this section shall apply to any boy who has been lawfully employed in any mine below ground before the passing of this Act. (30th July, 1900).

Hours of employment of male young persons in mines.

5. A boy of the age of twelve years and under the age of thirteen years (*b*), and a male young person of the age of thirteen and under the age of sixteen years shall not be employed in or allowed to be for the purpose of employment in any mine to which this Act applies below ground for more than fifty-four hours in any one week, or

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more than ten hours in any one day, or otherwise than in accordance with the regulations following; that is to say,

(1.) There shall be allowed an interval of not less than eight hours between the period of employment on Friday and the period of employment on the following Saturday, and in other cases of not less than twelve hours between each period of employment; provided always, that in the case of boys and young male persons whose employment is at such distance from their ordinary place of residence that they do not return there during the intervals of labour, and who are not employed during more than forty hours in any week, an interval of not less than eight hours shall be allowed between each period of employment:

(2.) The period of each employment shall be deemed to begin at the time of leaving the surface, and to end at the time of returning to the surface:

(3.) A week shall be deemed to begin at midnight on Saturday night, and to end at midnight on the succeeding Saturday night.

(*b*) The Mines (Prohibition of Child Labour Underground) Act, 1900, (vide *supra*) does not in terms repeal the first sentence of sect. 5. But it is submitted that it does so inferentially, for if a boy under thirteen years of age cannot under any circumstances now be employed underground, *a fortiori*, he cannot for more than fifty-four hours in any one week.

Register to be kept by owner, &c. of boys and male young persons employed in mines.

6. The owner or agent of every mine to which this Act applies shall keep in the office at the mine, or in the principal office of the mine belonging to the same owner in the district in which the mine is situated, a register, and shall cause to be entered in such register the name, age, residence, and date of first employment of all boys of the age of twelve and under the age of thirteen years, and of all male young persons of the age of thirteen and under the age of sixteen years who are employed in the mine below ground, and of all women, young persons, and children employed above ground in connexion with a mine, and shall produce such register to any inspector under this Act at the mine at all reasonable times when required by him, and allow him to inspect and copy the same.

The immediate employer of every boy or male young person of the ages aforesaid, other than the owner or agent of the mine, before he causes such boy or male young person to be in any mine to which this Act applies below ground, shall report to the owner or agent of such mine, or some person appointed by such owner or agent, that he is about to employ him in such mine.

As to employment of young persons under

7. Where there is a shaft, inclined plane, or level in any mine to which this Act applies, whether for the purpose of an entrance to such mine or of a communication from one part to another part

of such mine, and persons are taken up wn, or along such shaft, plane, or level by means of an engine, windlass, or gin, driven orked by steam or any mechanical b animal, or by manual labour, a person shall not be allowed to have charge of such engine, windlass, or gin, or of any part of the machinery, ropes, chains, or tackle connected therewith, unless he is a male of at least eighteen years of age.

Eighteen in connexion with engines.

Where the engine, windlass, or gin is worked by an animal, the person under whose direction the driver of the animal acts shall, for the purposes of this section, be deemed to be the person in charge of the engine, windlass, or gin, but such driver shall not be under twelve years of age.

8. If any person contravenes or fails to comply with any provision of this Act with respect to the employment of women, girls, young persons, or boys, or to the register of or report respecting boys and male young persons, or to the employment of persons about any engine, windlass, or gin, he shall be guilty of an offence against this Act: and in case of any such contravention or non-compliance by any person whomsoever in the case of any mine, the owner and agent of such mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by publishing and to the best of his power enforcing the provisions of this Act to prevent such contravention or non-compliance.

Penalty for employment of persons contrary to this Act.

If it appear that a boy or young person or a person employed about an engine, windlass, or gin, was employed on the representation of his parent or guardian that he was of that age at which his employment would not be in contravention of this Act, and under the belief in good faith that he was of that age, the owner or agent of the mine and the immediate employer shall be exempted from any penalty, and the parent or guardian shall, for such misrepresentation, be deemed guilty of an offence against this Act.

Penalties.

31. Every person who is guilty of an offence against this Act shall be liable to a penalty not exceeding, if he is an owner or agent, twenty pounds, and if he is any other person, two pounds, for each offence; and if an inspector has given written notice of any such offence, to a further penalty not exceeding one pound for every day after such notice that such offence continues to be committed.

Penalty for offences against Act.

The Coal Mines Regulation Act, 1887 (50 & 51 Vict. c. 58) as amended by the Mines (Prohibition of Child Labour Underground) Act, 1900 (63 & 64 Vict. c. 21) provides that:—

Coal Mines Regulation Act, 1887.

4. No boy under the age of twelve years (*a*), and no girl or

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woman of any age, shall be employed in or allowed to be for the purpose of employment in any mine below ground.

(*a*) See Mines (Prohibition of Child Labour Underground) Act, *supra*, p. 65.

Employment below ground of boys under twelve and of girls and women prohibited.

5. A boy of or above the age of twelve years (*a*) shall not be employed in or allowed to be for the purpose of employment in any mine below ground for more than fifty-four hours in any one week, nor more than ten hours in any one day, nor otherwise than in accordance with the regulations herein-after contained with respect to the employment of boys in a mine below ground.

(*a*) See Mines (Prohibition of Child Labour Underground) Act, *supra*, p. 65.

Hours of employment of boys over twelve below ground.

Regulations as to employment of boys below ground.

6. With respect to the employment of boys in a mine below ground, the following regulations shall have effect; that is to say,

(1.) There shall be allowed an interval of not less than eight hours between the period of employment on Friday and the period of employment on the following Saturday, and in other cases of not less than twelve hours between each period of employment:

(2.) The period of each employment shall be deemed to begin at the time of leaving the surface, and to end at the time of returning to the surface:

(3.) A week shall be deemed to begin at midnight on Saturday night and to end at midnight on the succeeding Saturday night.

Employment of boys, girls, and women above ground.

7. With respect to boys, girls, and women employed above ground, in connexion with any mine, the following provisions shall have effect:

(1.) No boy or girl under the age of twelve years shall be so employed:

(2.) No boy or girl under the age of thirteen years shall be so employed—

(a) for more than six days in any one week; or

(b) if employed for more than three days in any one week, for more than six hours in any one day; or

(c) in any other case for more than ten hours in any one day:

(3.) No boy or girl of or above the age of thirteen years and no woman shall be so employed for more than fifty-four hours in any one week or more than ten hours in any one day:

(4.) No boy, girl, or woman shall be so employed between the hours of nine at night and five on the following morning, nor on Sunday, nor after two o'clock on Saturday afternoon:

(5.) There shall be allowed an interval of not less than eight hours between the termination of employment on Friday and the commencement of employment on the following Saturday,

and in other cases of not less than twelve hours between the termination of employment on one day, and the commencement of the next employment:

(6.) A week shall be deemed to begin at midnight on Saturday night and to end at midnight on the succeeding Saturday night:

(7.) No boy, girl, or woman shall be employed continuously for more than five hours, without an interval of at least half an hour for a meal, nor for more than eight hours on any one day, without an interval or intervals for meals amounting altogether to not less than one hour and a half:

(8.) No boy, girl, or woman shall be employed in moving railway waggons.

The provisions of this section as to the employment of boys, girls and women after two o'clock on Saturday afternoon, shall not apply in the case of any mine in Ireland, so long as it is exempted by order of a Secretary of State.

Register to be kept of boys, girls, and women employed.

8.—(1.) The owner, agent, or manager of every mine shall keep in the office at the mine a register, and shall cause to be entered in that register, in such form as the Secretary of State may from time to time prescribe or sanction, the name, age, residence, and date of first employment of all boys employed in the mine below ground, and of all boys, girls, and women employed above ground in connexion with the mine; and shall on request, produce the register to any inspector under this Act, and to any officer of a school board (*a*) or school attendance committee in the district in which the mine is situate, at the mine at all reasonable times, and shall allow any such inspector or officer to inspect and copy the same.

(2.) The immediate employer of every boy, other than the owner, agent, or manager of the mine, before he causes the boy to be below ground in any mine, shall report to the manager of the mine or to some person appointed by that manager, that he is about to employ the boy in the mine.

(*a*) *References to School Boards to be construed as references to local education authorities, E. Act,* 1902, *Sch. III* (1).

Penalty for employment of persons in contravention of Act.

9. If any person contravenes or fails to comply with, or permits any person to contravene or fail to comply with, any provision of this Act with respect to the employment of boys, girls, or women, or to the register of boys, girls, and women, or to reporting the intended employment of boys he shall be guilty of an offence against this Act; and in the event of any such contravention or non-compliance by any person whomsoever, the owner, agent, and manager of the mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means, by publishing and to the best of his power enforcing the

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provisions of this Act, to prevent the contravention or non-compliance.

Payment of school fees out of wages.

10.—(1.) After a request in writing by the principal teacher of a public elementary school which is attended by any boy or girl employed in or in connexion with a mine, the person who pays the wages of the boy or girl shall as long as he employs the boy or girl pay to the principal teacher of that school, for every week that the boy or girl attends the school, the weekly sum specified in the application, not exceeding twopence per week, and not exceeding one-twelfth part of the wages of the boy or girl, and may deduct the sum so paid by him from the wages payable for the services of the boy or girl.

(2.) If any person after such application refuses to pay on demand any sum that becomes due as aforesaid, he shall be liable to a penalty not exceeding ten shillings.

PART III.

SUPPLEMENTAL.

Legal Proceedings.

Penalty for offences against Act.

59.—(2.) Every person who is guilty of an offence against this Act for which a penalty is not expressly prescribed, shall be liable to a fine not exceeding, if he is an owner, agent, or manager, or under-manager twenty pounds, and if he is any other person, two pounds, for each offence; and if an inspector has given written notice of any such offence, to a further fine not exceeding one pound for every day after such notice that such offence continues to be committed.

Summary proceedings for offences, fines, &c.

61.—(1.) All offences under this Act not declared to be misdemeanours, and all fines under this Act, and all money and costs by this Act directed to be recovered as fines, may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts before a court of summary jurisdiction.

General provisions as to summary proceedings.

62. In every part of the United Kingdom the following provisions shall have effect:

(i.) Any complaint or information made or laid in pursuance of this Act shall (save as otherwise expressly provided by this Act) be made or laid within three months from the time when the matter of the complaint or information arose;

(ii.) Any person charged with any offence under this Act, may, if he thinks fit, be sworn and examined as an ordinary witness in the case.

(iii.) The court shall, if required by either party, cause minutes of the evidence to be taken and preserved.

Appeal to quarter sessions.

63. If any person feels aggrieved by any conviction made by a court of summary jurisdiction on determining any information under this Act, by which conviction imprisonment or a fine amounting to or exceeding one half the maximum fine, is adjudged, he may appeal therefrom to a court of quarter sessions in manner provided by the Summary Jurisdiction Acts.

Liability for misrepresentation as to age, &c.

64. If it appears that a boy or girl was employed on the representation of his or her parent or guardian that he or she was of the age at which his or her employment would not be in contravention of this Act, and under the belief in good faith that he or she was of that age, or that a person has worked alone as a coal or ironstone getter on his representation that he has had two years' experience of such work under the supervision of skilled workmen, or that he has been previously employed for two years in or about the face of the workings of a mine, and under the belief in good faith that he has had such experience or has been so previously employed, the owner, agent, or manager of the mine and employer shall be exempted from any penalty, and the parent or guardian or the person who has so worked alone, as the case may be, shall, for the misrepresentation, be deemed guilty of an offence against this Act.

Report of result of proceedings against workmen.

66. Where the owner, agent, or manager of a mine has taken proceedings under this Act against any person employed in or about a mine in respect of an offence committed under this Act, he shall, within twenty-one days after the hearing of the case, report the result thereof to the inspector of the district.

Saving for proceedings under other Acts.

68.—(1.) Nothing in this Act shall prevent any person from being indicted or liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, so, however, that no person be punished twice for the same offence.

(2.) If the court before whom a person is charged with an offence under this Act think that proceedings ought to be taken against such person for such offence under any other Act or otherwise, the court may adjourn the case to enable such proceedings to be taken.

The non-employment of children may be enforced either:—

(a) Under the E. E. Act, 1876 (39 & 40 Vict. c. 79), and the E. E. Act, 1880 (43 & 44 Vict. c. 23, s. 4), as varied by subsequent Acts: or

(b) Under the E. E. Act, 1876 (39 & 40 Vict. c. 79), alone.

The former method must be employed where it is desired to proceed under bye-laws, and owing to the universality of such

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laws proceedings under the Act of 1876 are for all practical purposes confined to cases where the bye-laws do not extend to children between the ages of thirteen and fourteen years.

By the 4th section of the E. E. Act, 1880, varied as stated above, it is provided that any person who takes into his employment a child of the age of twelve years, and under the age of fourteen years, resident within the area for which a local education authority act, before that child has obtained a certificate of having reached the standard of education fixed by a bye-law in force in such area for the total or partial exemption of children of the like age from the obligation to attend school, is to be deemed to take such child into his employment in contravention of the E. E. Act, 1876.

"**Subsequent Acts.**"—See 56 & 57 Vict. c. 51, s. 1; 62 & 63 Vict. c. 13, s. 2; 63 & 64 Vict. c. 53, s. 6 (1); 2 Ed. VII. c. 42, Sch. III (1).

E. E. (School Attendance) Act, 1893, s. 2.

So, too, any person taking a child into his employment in such a manner as to prevent the child from attending school in accordance with the bye-laws for the time being in force in the local education authority's area in which the child resides is to be deemed to be guilty of a similar offence.

"**Reached the Standard.**"—To reach a standard a child must be individually examined in reading, writing, and arithmetic in that or a higher standard, and must pass in each of those subjects (D. S. Code, 1903, Art. 30), p. 639.

"**Total or Partial Exemption.**"—*Vide supra*, pp. 38–42.

Penalties and enforcement thereof (E. E. Act, 1876, s. 6).

The penalty for so taking a child into employment is a fine not exceeding 40*s*.

Ibid., s. 37.

Legal proceedings for enforcing such penalty are to be taken in the same manner as for the enforcement of bye-laws.

See "*Enforcement of Bye-laws*," *p.* 44.

Defences open to employer, *Ibid.*, s. 9.

When proceedings are instituted under the E. E. Act, 1876, the employer may in his defence prove either :—

(a) That during the employment there was not, within two miles measured according to the nearest road from the residence of such child, any public elementary school open which the child could attend ; or

(b) That such employment, by reason of being during the school holidays, or during the hours when the school is not open, or otherwise, did not interfere with the efficient elementary instruction of such child, and that the child obtained such instruction by regular attendance for full time at a certified efficient school or in some other equally efficient manner: or

(c) That the employment is exempted by a notice of the local education authority exempting children from labour prohibitions for the purpose of husbandry, &c. (see p. 41); or

(d) (1.) That he has used due diligence to enforce the observances of the E. E. Act of 1876; and E. E. Act, 1876, s. 39.

(2.) That the child was employed either:—

(i.) By some agent or workman of his without his knowledge or consent; or

(ii.) On the production of a forged or false certificate, and under the belief in good faith in the genuineness and truth of such certificate; or

(iii.) On the representation by his parent that the child was of an age at which his employment would not be in contravention of the E. E. Act, 1876, and under the belief in good faith in such representation.

"**Agent or Workman.**"—Where the offence of taking a child into employment in contravention of the E. E. Act, 1876, is in fact committed by an agent or workman of the employer, such agent or workman is liable to the penalty as though he were the employer (E. E. Act, 1876, s. 39).

"**Parent.**"—The term has the same meaning as in the E. E. Act, 1870, and includes guardian and every person who is liable to maintain or has the actual custody of the child (E. E. Act, 1870 (33 & 34 Vict. c. 75), s. 3; E. E. Act, 1876 (39 & 40 Vict. c. 79), s. 48).

Where a child is taken into employment in contravention of the Act on the production by or with the privity of the parent of a false certificate or on the false representation of the parent, the parent is liable for a penalty not exceeding 40*s*. (E. E. Act, 1876 (39 & 40 Vict. c. 79), s. 39).

Part II.

Proceedings against agent, workman, or parent (E. E. Act, 1876, s. 39).

Where an employer satisfies the local education authority's inspector or other person about to institute a prosecution that:—

(a) He is exempt under (d), *supra*, by reason of some agent, workman, or parent being guilty; and

(b) Gives all facilities in his power for proceeding against or convicting such agent, workman, or parent,

the local education authority's inspector or other person are to institute proceedings against such agent, workman, or parent, and not against the employer.

Penalty (*ibid.*, s. 6).

The penalty for contravening the provisions of the E. E Act, 1876, as to non-employment of children is a fine not exceeding 40*s*.

Mode of procedure (*ibid.*, s. 37).

The mode of procedure is the same as that by which bye-laws may be enforced (*vide* p. 44.)

For similar provisions in the Factory and Workshop Act, 1901, *see p.* 343.

Sect. VII.—RELINQUISHMENT OF POWERS AND DUTIES.

E. Act, 1902, s. 20 (b).

An authority having powers under the Education Act, 1902, if it happens to be the council of a non-county borough or urban district, may at any time after the passing of the Act, (Dec. 18th, 1902):—

(a) By agreement with the council of the county; and

(b) With the approval of the Board of Education;

relinquish in favour of the council of the county their powers and duties as to elementary education, in which case they will cease to have such powers and duties, and their area for the purposes of elementary education will become part of that of the county council.

Ibid., Sch. II. (2).

On such a relinquishment taking place any property or rights acquired, and any liabilities incurred for the purpose of the performance of their powers and duties with respect to elementary education are to be transferred to the county council.

"Non-County Borough or Urban District."—This must mean a borough of over 10,000, and an urban district of over 20,000

inhabitants, no other non-county boroughs or urban districts being local education authorities. This at all events seems to be the meaning of what, it is submitted, is a somewhat unhappily drafted sub-section. The relinquishment contemplated in sub-sect. (b) of sect. 20 of the E. Act, 1902, is a relinquishment by an "authority." Now the only "authority" known to the Act is the local education authority. Further, the council of a non-county borough or urban district can only be a local education authority in respect of elementary education, the county council being the authority in respect of higher education. It would appear, therefore, incorrect to assume, as the sub-section does, that a case of relinquishment of powers and duties other than those as to elementary education could be made by such an "authority." The council of a non-county borough or urban district *quâ* council, and not *quâ* local education authority, have powers relating to education other than elementary (see p. 10). The word "councils" substituted in the sidenote for "local education authorities and councils" in the Bill, does not tend to make the matter clearer.

"**Property and Liabilities.**"—These terms have the same meaning as in the L. G. Act, 1888, s. 100 (E. Act, 1902, s. 24 (3)). For sect. 100 of L. G. Act, 1888, see p. 5.

"**Transferred.**"—With respect to the above transfer, sects. 85—88 of the L. G. Act, 1894 (which contain transitory provisions) are to apply, subject as follows:—

(i.) References to "the appointed day" and to "the passing of the Act" are to be construed as references to the date on which the relinquishment takes effect.

(ii.) The powers and duties of the council ceasing to exercise powers and duties are to be deemed powers and duties transferred under the E. Act of 1902.

(iii.) Sub-sects. (4) and (15) of sect. 85 are not to apply (E. Act, 1902 (2 Edw. VII. c. 42), Sch. II. (8)).

For sects. 85—88 of *L. G. Act*, 1894, *see p.* 6.

Sect. VIII.—ENFORCEMENT OF DUTIES OF THE LOCAL EDUCATION AUTHORITY.

Mandamus proceedings (E. Act, 1902, s. 16).

Should the local education authority fail to fulfil any of their duties in any part of their area, the Board of Education may, after holding a public inquiry, make such order as they think necessary or proper for the purpose of compelling the authority to fulfil their duty, and such order may be enforced by mandamus.

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"**Public Inquiry.**"—The provisions of sect. 78 of the E. E. Act, 1870 (see p. 211), apply to the holding of such an inquiry (E. Act, 1902 (2 Edw. VII. c. 42,) s. 23 (10)). Where under sect. 299 of the P. H. Act, 1875, the provisions of which are very similar to those of sect. 16 of the E. Act, 1902, the granting of a mandamus was opposed on the ground that no due inquiry had been held by the Local Government Board, the Court held that a mandamus must go calling upon the local authority to perform their duty in the terms of the orders of the Local Government Board. That so long as there had been no legal error or omission of legal form, it was not for the Court to entertain questions as to whether there had been a due inquiry or whether the findings of the Local Government Board were sufficient or not (*R.* v. *Staines Union*, 62 L. J. Q. B. 540; 69 L. T. 714).

"**Mandamus.**"—The writ of mandamus being a high prerogative writ cannot be demanded *ex debito justitiæ*, and is issued only in the discretion of the Court. The application for the writ will during the sittings be made to a Divisional Court of the K. B. D., on the motion of the Attorney-General in this particular instance, for an order *nisi;* during vacation to the vacation judge in chambers for a summons to show cause (C. O. R. (1886), 60,) p. 603.

No second application can be made after the first has been discharged (*R.* v. *Mayor of Bodmin* (1892), 2 Q. B, 21).

The Public Authorities Protection Act, 1893 (56 & 57 Vict. c. 61), which requires proceedings in respect of any alleged neglect or default in the execution of any Act of Parliament, public duty, or authority, to be commenced within six months next after the neglect or default complained of, does not apply to any proceedings by any department of the Government (in this case the Board of Education) against any local authority or officer of a local authority. (See sect. 1 of the Act).

The writ will be directed to the county council or urban district council, but in the case of a borough council, which is an unincorporated body, presumably to the "Councillors of the Borough of ——."

As regards the service of the writ, if it is directed to one person only, the original must be personally served upon such person; but if directed to more than one, the original is to be shown to each at the time of service, a copy served on all but one, and the original delivered to such one (C. O. R. (1886), 65), p. 604.

Except where by statute service on the clerk or some other officer is made sufficient service, a quorum of the members of the body to which the writ is directed should be served, or as many as are competent to do the act required to be done (C. O. R. (1886), 66), p. 604.

This will be in the case of—

(a) A county council: one-fourth of the whole number of the council (see L. G. Act, 1888 (51 & 52 Vict. c. 41), s. 75 (15)).

(b) A borough council: not less than one-third of the number of the whole council (Municipal Corporations Act, 1882 (45 & 46 Vict. c. 50), s. 22 (1), Sch. II. (10)).

(c) An urban district council: one-third of the full number of members, but in no case need the number of the quorum exceed seven. (See L. G. Act, 1894 (56 & 57 Vict. c. 73), s. 59 (1), and P. H. Act, 1875 (38 & 39 Vict. c. 55), Sch. I. (2).

A local education authority may appear by their clerk, or by some member of the authority authorised by a resolution of the authority. Every such resolution is to appear on the minutes of the proceedings of the authority, but until the contrary is proved any such resolution is to be deemed in any legal proceeding to appear on the minutes (E. E. Act, 1870 (33 & 34 Vict. c. 75), s. 85). As to the limitation which has been put on the meaning of similar words, see note "Appear by their clerk," p. 48.

Chapter II.

THE MANAGEMENT OF SCHOOLS.

Sect. I.—CONSTITUTION OF THE MANAGING BODY.

Part I.

The managing body of a public elementary school varies, firstly according as to whether the school is provided by the local education authority or not, and secondly according to the nature of the local education authority. Women are not disqualified either by sex or marriage for being managers.

Qualification of women (E. Act, 1902, s. 23 (6)).

"**Public Elementary School.**"—Definition, see p. 21.

§ 1.—*In "Provided" Schools.*

As to what this includes see p. 22.

Managers in provided schools (E. Act, 1902, s. 6 (1)).

In this case :—

(I.) Where the local education authority are a county council there must be for every public elementary school provided by them a managing body consisting of :—

(a) A number of managers not exceeding four appointed by the county council ; and

(b) A number of managers not exceeding two appointed by the minor local authority.

E. Act, 1902, s. 6 (1).

(II.) Where the local education authority are the council of a borough or urban district they *may*, if they think fit, appoint for any school provided by them such number of managers as they may determine.

In neither of the above cases is it necessary that the managers should be members of the council or minor local authority.

For the devolution by an authority of its powers of management see p. 96.

"**Where the Local Education Authority are a County Council.**"—See p. 1.

"**Minor Local Authority.**"—This means as respects any school the council of any borough or urban district, or the parish

council, or where there is no parish council the parish meeting of any parish which appears to the county council to be served by the school. Where the school appears to the county council to serve the area of more than one minor local authority the county council is to make such provision as they think proper for joint appointment of managers by the authorities concerned (E. Act. 1902 (2 Edw. VII. c. 42), s. 24 (2)).

"**Where the Local Education Authority are the Council of a Borough or Urban district.**"—See p. 4.

Discharge of managers.

As the managers of provided schools are but the agents of the local education authority, they may be dismissed at pleasure.

§ 2.—*In "Non-provided" Schools.*

In this case the managing body consists of:—

Managers in non-provided schools (E. Act, 1902, s. 6 (2).

(a.) A number of foundation managers not exceeding four appointed under the provisions of the trust-deed of the school.

(b.) A number of managers not exceeding two representing the local education authority, appointed:—

Ibid., s. 6 (2) (a).

(i.) Where the local education authority are the council of a county:—

one by that council: and

one by the minor local authority.

Ibid. (b).

(ii.) Where the local education authority are the council of a borough or urban district:—

both by that authority.

Removal and resignation of managers *Ibid.* (Sch. I., B. (5).

Such managers may be removed by the authority appointing them, and may resign their office.

"**Trust-Deed.**"—Trust-deed includes any instrument regulating the trusts or management of a school or college (E. Act, 1902 (2 Edw. VII. c. 42), s. 24 (5)).

The Board of Education in their Memorandum of 20th December, 1902, accordingly point out (par. 6) that for the purposes of the Act the term "Trust-deed" includes not only deeds in the ordinary sense, but also any of the following instruments if they provide for the appointment of trustees, or give directions for the management of a school or its endowments, viz.:—

(i.) Orders of the Court of Chancery.

(ii.) Orders of a county court under the Charitable Trusts Acts, 1853 and 1860.

(iii.) Orders of the Charity Commissioners.

(iv.) Schemes made under the Endowed Schools Act.

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(v.) Schemes made by the Education Department under sect. 75 of the E. E. Act, 1870.

(vi.) In the case of privately-owned schools, a lease or agreement in writing by which a school is let to managers for the purpose of a school may be usually regarded as a trust-deed, and any trust declared therein attaches to the whole of the tenants' interest whatever it may be.

See the Memorandum, p. 395.

"**Foundation Managers.**"—Such managers represent the interests of those by whom the school was established or is at present managed. The "Foundation Managers" will, although appointed in a different manner, act together with the two other managers for all the purposes of conducting a public elementary school, and with them will compose the body which is spoken of in the E. Act, 1902, as "the managers of the schools." *Memorandum of Board of Education, p.* 395.

Increasing the number of managers (E. Act, 1902, s. 6 (3), (b)).

Should the local education authority consider that the circumstances of any school require a larger body of managers than that stated above, the local education authority may increase the total number of managers, provided that the number of each class of managers is proportionately increased.

"**The Local Education Authority may increase.**"—The Board of Education in their Memorandum of 20th December, 1902, par. 17 (a), point out that four is the nominal number of foundation managers contemplated by the Act, and will usually be found most convenient. Under the provisions, however, of sect. 6 (3) (b) the local education authority may increase the total number of managers the foundation managers and local authority's managers being proportionately increased. That where the local education authority are the council of a borough or urban district, the number of managers of the two classes respectively may be six and three, but where the local education authority are the council of a county, the number of managers must be increased (if increase is thought desirable) to eight and four respectively, or to some other multiple of four and two. That it will be probably found in most cases that twelve is an inconveniently large number of managers. *See Memorandum, p.* 399.

Order of Board of Education where provisions of trust-deed insufficient, &c. (E. Act, 1902, 11 (1)).

Where it is shown to the satisfaction of the Board of Education that :—

(I.) The provisions of the trust-deeds as to the appointment of managers, are in any respect :—

(a) Inconsistent with the provisions of the E. Act, 1902; or

(b) Insufficient or inapplicable for the purpose; or

(II.) There is no such trust-deed available, it is the duty of the Board of Education to make an order for the purpose of meeting the case.

"**Insufficient or Inapplicable for the Purpose.**"—In cases of doubt or difficulty, where the trust-deed is defective or insufficient in any particulars, the trustees should not attempt to supplement it by a new deed, but should apply for directions to the Board of Education (exercising the powers formerly belonging to the Charity Commissioners in respect of purely educational endowments). *Memorandum of 20th December*, 1902, *par.* 12. See p. 398.

The defects in a deed may be cured by an order under sect. 11 of the E. Act; where this is not possible, it is open to the trustees to apply to the Board of Education for a scheme, but no scheme will be made at present unless it is clearly shown that an order would be insufficient to secure the proper management (*ibid. par.* 13).

"**There is no such Deed.**"—Where there is no trust-deed and the school is not claimed as private property (*vide infra*), but is held on implied trusts (*i.e.*, such as may be presumed upon usage), it is undesirable that the persons now managing the school should attempt to make a trust-deed; they should either apply to the Board for an order, or in case of doubt or difficulty as to their rights and duties, for direction under the Charitable Trusts Acts. An order will be required in all cases where there is no trust-deed or where the trust-deed is not available. Where a trust-deed is known to have existed, every effort should be made to discover it. Where the trust-deed cannot be found, particulars should be given in the application form of any draft, abstract, or other documents from which the trust of the school may be collected (*ibid. par.* 15).

Where no trust-deed is known to have existed, it is important that full particulars of the usage which has prevailed in the management of the school at different periods should be supplied (*ibid. par.* 16).

Application for such order (E. Act, 1902, s. 11 (2)).

The application for such order may be made either by—

(a) The existing owners, trustees, or managers of the school, within a period of three months after the passing of the E. Act, 1902 (Dec. 18, 1902); *after that period*—

(b) On the application of the local education authority or any other person interested in the management of the school.

"**The Application for such an Order.**"—The application for an order should be made on the special form provided for the purpose (form E. A 2), and full information under the several heads

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should be given. Any failure to supply the information required may lead to considerable delay in dealing with the case. Applications should be either sent directly to the Secretary, Board of Education, Whitehall, or transmitted through the secretary of any voluntary school association to which the school may belong. The latter course is, perhaps, the more convenient, in order that the applications may reach the Board in batches corresponding to geographical or administrative divisions, and that time may be saved in dealing with them (*Memorandum of Board of Education, 20th December, 1902, par. 8. For form E. A 2, see p. 400*).

The applicant may make recommendations as to the provisions to be embodied in the order. These should be in special form where the trust-deed departs from the usual type or contains unusual provisions as to the management of the school; in other cases they may conveniently be made (in the case of denominational schools) in or by reference to one of the forms adopted by the National Society or Associations of Church of England, Roman Catholic, Wesleyan, or other schools (*ibid. par. 9*).

"*National Society.*"—The National Society have recommended that in cases where the managers of church schools have to apply for an order from the Board of Education to bring the constitution of the committees of management into agreement with the requirements of the E. Act, 1902, a management clause on the lines of the following clause should be applied :—

The foundation managers under the E. Act, 1902, shall consist of the principal officiating minister of the ecclesiastical parish or district in which the school is situated, *ex-officio*, and three (or such other number as may be required to make up the number of foundation managers as provided under the Act) other persons, being *bonâ fide* members of the Church of England, who shall in the first instance be (*a*) nominated by the persons who are the managers of the school at the time of the application to the Board of Education (*or* (*a*), *who shall in the first instance be elected by the annual subscribers to the school at the time of the application to the Board of Education or other persons who are entitled under the terms of the school trust-deed to vote in the election of or appoint managers*). (*b*) The persons so nominated (*or elected*) shall hold office for three years, and thereafter the non-official foundation managers shall be elected triennially by such of the annual subscribers to the foundation of at least two shillings and sixpence during the two years immediately preceding the election as are *bonâ fide* members of the Church of England, and such of the contributors to the foundation at any time of not less than five pounds in one sum as are *bonâ fide* members of the Church of England. Provided that any society which may have contributed to the foundation at any time not less than ten pounds in one sum

(*a*) One of these alternatives to be struck out.

shall have the right to a vote and may nominate one of its officers or other person to exercise the right of voting in its behalf (*or* (*b*), *vacancies in the number of the non-official foundation managers shall be filled by nomination on the part of the remaining foundation managers of another person or persons being bonâ fide a member or members of the Church of England*).

"**By the existing Owners, Trustees, or Managers.**"—The trustees are those persons in whom the property in the school premises is now vested. These persons may also be entitled to act as managers, but in the case of most elementary schools the two bodies are distinct. It is indifferent whether the application is made by the trustees or managers, but in any case the application should be signed by a majority of the body which applies. It is also obviously desirable that before applying the managers and trustees should consult one another, and also the owner, if there is one (*Memorandum of Board of Education, 20th December*, 1902, *par.* 7. See p. 397).

Notice of application (E. Act, 1902, s. 11 (3)).

Notice of the application, together with a copy of the draft final order, proposed to be made, is to be given by the Board of Education to:

(a) The local education authority;

(b) The existing owners, trustees, and managers:

(c) Any other persons who appear to the Board to be interested.

In ordinary cases, notices and draft final orders will also be sent to the parish council, or meeting, or other minor local authority, of the area in which the school is situated, as representing "other persons interested" (*Memorandum of Board of Education, 20th December*, 1902. *par.* 18), p. 399.

Making of order (*ibid.*).

The final order is not to be made until six weeks after the above notice has been given, but the Board may, if they think that the circumstances of the case require it, make any interim order on any application to have temporary effect until the final order is made.

The Board of Education in their Memorandum of 20th December, 1902, par, 18, state that in order to avoid delay it is probable that most orders under sect. 11 will, in the first instance be made in the form of "interim orders," which will not be confirmed until the local education authorities have had time to make preparation for the proper consideration of the notices and draft final orders. See also Circular of Board of Education, p. 442.

(*b*) One of these alternatives to be struck out.

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Matters to which Board of Education to have regard in making order (E. Act, 1902, s. 11 (4)).

In making an order the Board of Education are to have regard :—

(I.) To the principles on which the education given in the school has been given in the past.

(II.) To the ownership of the school buildings.

Effect of order (E. Act, 1902, s. 11 (2)).

Any such order is to have effect :—

(a) Where it modifies the trust-deed as part of such deed.

(b) Where there is no trust-deed as if contained in a trust-deed.

Revocation, variation and amendment of order (E. Act, 1902, s. 11 (8)).

The Board of Education may on the application of :—

(a) The managers of the school ; or

(b) The local education authority ; or

(c) Any person appearing to them to be interested in the school,

revoke, vary, or amend any such order by an order made in a similar manner ; but before doing so, a draft of the proposed orders must, as soon as may be, be laid before each House of Parliament, and if within thirty days, being days on which Parliament has sat, after the draft has been so laid before Parliament, either House resolves that the draft, or any part thereof, should not be proceeded with, no further proceedings are to be taken on such draft, but without prejudice to the making of any new draft order.

Grouping of schools under one management. Provided schools (E. Act, 1902, s. 6 (3) (9), s. 12 (1) (a)).

The local education authority may group under one body of managers :—

(I.) Any public elementary schools *provided by them*. The body of managers is to consist of such number and to be appointed in such manner and proportion as may be determined by the local education authority.

Non-provided schools (*ibid.*, s. 6 (3) (a), s. 12 (1) (2)).

(II.) With the consent of the managers of the schools, any public elementary schools *not provided by them*. In this case the body of managers is to consist of such number and is to be appointed in such manner and proportion as may be agreed upon between the bodies of managers of the schools concerned and the local education authority, or in default of such agreement as may be determined by the Board of Education.

Any such arrangement is to remain in force, unless previously determined by the consent of the parties concerned, for a period of three years.

Period of agreement (E. Act, 1902, s. 12 (4)).

"**Schools Provided by them.**"—See p. 22.

"**With the Consent of the Managers.**"—This must mean "body of managers." Sect. 12 was not in the original Bill, and was passed without debate under the closure.

Where the local education authority are the county council, then it is their duty to make provision for the due representation of minor local authorities on the bodies of managers of schools grouped under their direction.

Representation of minor local authorities (*ibid.*, s. 12 (3)).

"**Minor Local Authorities.**"—For definition see p. 78. It is open to question whether schools grouped under the direction of the county council include or not non-provided schools; apparently, as such schools can only be grouped by arrangement they do not. It is to be remembered that clause 12 was not in the original Bill, nor debated, but put from the chair and agreed to without a division.

As to combination of Local Education Authorities *see p. 4.*

As to Joint Education Committees *see p. 12.*

SECT. II.—POWERS AND DUTIES OF THE MANAGING BODY.

§ 1.—*In "Provided" Schools (a).*

The body of managers of a school provided by the local education authority deal with such matters relating to the management of the school, and subject to such conditions and restrictions as that authority determine.

E. Act, 1902, Sch. I. B. (4).

Questions affecting the external relations of schools to one another and to the county as a whole will probably be dealt with by the local education authority, whilst questions of internal economy, *e.g.*, the appointment of teachers, would be dealt with by the managers.

The school must, moreover, be conducted in accordance with the following regulations:—

(i.) It must be a public elementary school within the meaning of the E. E. Act, 1870: and

E. E. Act, 1870, s. 14.

(*a*) *To be known as "Council Schools."* *See p. 22, n.*

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(ii.) No religious catechism or religious formulary which is distinctive of any particular denomination is to be taught in the school.

"**Schools Provided by the Local Education Authority.**"—See p. 22.

"**Following Regulations.**"—The regulations are those of sect. 14 of the E. E. Act, 1870, which is known as the "Cowper-Temple clause." See p. 198.

"**Public Elementary School.**"—See p. 21.

"**No Religious Catechism . . .**"—Religion may or may not be taught in "provided schools," but if taught it must be taught in such a manner as not to offend against this regulation. No grant is made in respect of such teaching. E. E. Act, 1870, s. 97 (1).

Powers of managers to purchase school house or site (E. E. Act, 1870, s. 21).

Managers of any public elementary school have power to purchase a school house or site for such school.

"**Managers.**"—Any persons desirous of establishing a public elementary school are to be deemed managers if they obtain the approval of the Board of Education to the establishment of such school.

The above must now be read subject to the provisions of sects. 8 *and* 9 *of the E. Act*, 1902 (*vide supra*).

Appointment of correspondent (D. S. C., 1903, Art. 9 (a)).

The body of managers of every school maintained by a local education authority under the Education Act, 1902, must have a correspondent through whom any necessary communications with

(a) The Board of Education ; or

(b) The local education authority,

are to be made.

Verification of registers (D. S. C., 1903, Sch. VII. (3)).

It is the duty of the managers to verify the school registers, in order to do which they are to—

(a) Visit the school from time to time without previous notice, at an hour when the register should have been made up for that particular attendance ;

(b) Check the register ;

(c) Enter in the log book the result of their visit.

"**Check the Register.**"—In order to do this, they are to—

(a) Go through the register and check the attendances of children absent and present ;

(b) Total up the attendances of at least 10 per cent. of the whole.

"**Log Book.**"—For particulars as to this, see D. S. Code, 1903, Sch. VII. (22), p. 690.

At the end of the year they are to check— D. S. C., 1903, Sch. VII. (3).

(i) The number of times the school has been opened;

(ii) A sufficient number of the attendance totals (at least 10 per cent.) to convince themselves of the accuracy of the registration.

§ 2.—*In "Non-provided" Schools* (*a*).

The body of managers of such a school are to be the managers of the school both for the purposes of the E. E Acts, 1870—1890, and the E. Act, 1902, and, so far as respects the management of the school as a public elementary school, for the purpose of the trust-deed. E. Act, 1902, s. 11 (6).

They have all powers of management requisite for the purpose of carrying out the E. Act, 1902; and notwithstanding any provision contained in the instrument regulating the trusts or management of their school, power to fulfil the conditions required to be fulfilled in order to obtain the parliamentary grant, and to apply the same. *Ibid.*, s. 7 (7). E. E. Act, 1870, s. 99; E. Act, 1902, Sch. III. (7).

"**Parliamentary Grant.**"—See p. 121.

Every school not maintained by a local education authority under the Education Act, 1902, must have responsible managers, and a correspondent, as required in the Code of 1902. (D. S. C., 1903, Art. 9 (c)).

"**As required in the Code of 1902.**"—The requirements of the Code of 1902, Arts. 8 and 9, in the above respect were as follows:—

8. The managers are held responsible by the Board for the conduct of their schools, for their maintenance in efficiency, and for the provision of all needful furniture, books, and apparatus, and in particular of—

(a) Suitable registers;
(b) A portfolio to contain official letters;
(c) A diary or log book;
(d) A cash book;
(e) The Code and Revised Instructions for each year;
(f) A book for recording minutes of managers' meetings.

(*a*) *To be known as "Voluntary Schools."* *See p. 23, n.*

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"**The Log Book.**"—The log book must be stoutly bound, and contain not less than 300 ruled pages. It must be kept by the principal teacher, who is required to enter in it from time to time such events as the introduction of new books, apparatus, or courses of instruction, any plan of lessons approved by the inspector, the visits of managers, absence, illness, or failure of duty on the part of any of the school staff, or any special circumstances affecting the school, that may, for the sake of future reference or for any other reason, deserve to be recorded.

No reflections or opinions of a general character are to be entered in the log book.

"**Suitable Registers.**"—For managers' duties as to verification of registers, see p. 86.

9. (a) The managers are required to appoint a correspondent with the Board, who must not be any paid teacher in the school.

Notice should at once be given to the Board of any change of correspondent occurring during the school year. The notice should be signed by the outgoing correspondent or by the chairman of the managers.

The managers must, however, if they desire their school :—

(i.) To be maintained and kept efficient by the local education authority ; and

(ii.) To be eligible for the Parliamentary grant,

comply with the conditions and provisions of sect. 7 of the E. Act, 1902, which conditions and provisions may conveniently be grouped as follows :—

(I.) *Conditions and provisions relating to the instruction given in the school.*

Under this head—

Directions of local education authority to be complied with (E. Act, 1902, s. 7 (1) (a) (4)).

(a) The directions of the local education authority as to the secular instruction to be given in the school, including any directions with respect to :—

(i.) The number and educational qualifications of the teachers to be employed for such instruction ;

(ii.) The dismissal of any teacher on educational grounds,

must be carried out by the managers. But no directions may interfere with reasonable facilities for religious instruction during school hours.

Failure on the part of the managers to carry out such directions will give the local education authority, in addition to their other powers, that of themselves carrying out the direction given as though they were the managers.

"**Dismissal of any Teacher.**"—The local education authority cannot, however, require managers in this connection to break existing contracts, and the teachers will in any case be entitled to such notice of dismissal as may be a term of their employment.

"**Must be carried out by the Managers.**"—The managers cannot, it would seem, appeal against the directions of the local education authority to the Board of Education under sect. 7 sub-sect. 3 of the E. Act, 1902 (*vide infra*, p. 92). The Board of Education must accept the law as it is declared by statute, and where the statute says in terms that any direction given by the local education authority is to be carried out by the managers, the managers must carry it out.

Should, however, a question arise as to whether the directions have or have not been carried out, it appears that it would be a case for appeal to the Board of Education.

"**In addition to their other Powers.**"—The local education authority would be no longer bound to maintain the school, one of the conditions precedent to their so doing not having been complied with. The school would also be ineligible for the Parliamentary grant (*vide supra*, p. 88). The school would accordingly cease to be "a public elementary school" within sect. 7 of the E. E. Act, 1870, and the local education authority would have—in pursuance of their duty to provide a sufficient amount of accommodation in public elementary schools (E. E. Act, 1870 (33 & 34 Vict. c. 75), s. 5)—to provide a new school.

(b) The local education authority have power to inspect the school.

Local education authority to have power of inspection (E. Act, 1902, s. 7 (1) (b)).

The local education authority are not bound to inspect. Whilst the inspector of the Board of Education only inspects as to the general efficiency of the school, the inspector of the local education authority will probably report on and give directions as to the suitability of the school to the district.

(c) Although the managers have the exclusive power of appointing and dismissing teachers—and may, if it is thought fit, in the case of assistant teachers and pupil teachers, appoint without reference to religious

Appointment and dismissal of teachers subject to consent of local education

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authority (E. Act, 1902, s. 7 (7), (5)).

creed or denomination—yet the consent of the local education authority is required to :—

(1.) Every appointment—such consent not, however, being withholdable except on educational grounds.

(2.) Every dismissal—unless the dismissal be on grounds connected with the giving of religious instruction in the school.

As to the managers' duty to carry out directions of the local education authority with regard to the number, educational qualification, and dismissal of teachers on educational grounds, vide supra.

"**Pupil Teachers.**"—For appointment of these by local education authority under certain circumstances, see p. 54.

(II.) *Conditions and provisions relating to the school premises.* Under this head :—

Provision of school house (E. Act, 1902, s. 7 (1) (d), (4)).

Sch. II. (14).

(a) The managers are to provide the school house free of charge, except for the teacher's dwelling-house, if any, to the local education authority for use as a public elementary school. The local education authority are also entitled to the use, for the purposes of the school, of any school furniture and apparatus belonging to the trustees and managers of any public elementary school not provided by a school board, and in use for the purposes of the school before the appointed day.

"**The School House.**"—Including presumably arrangements for the lighting and warming of the school, the local education authority having to provide the light and fuel.

"**Free of Charge.**"—Including any charge for ground rent, unless the same is charged in respect of the teacher's dwelling-house. These words mean free of charge to the public, but do not prevent any possible owner from letting the schools to the managers at a nominal or substantial rent. Such rent will have to be paid by the managers out of funds other than those provided by the local education authority, and must not be charged in the school accounts.

"**Public Elementary School.**"—See p. 21.

"**Trustees and Managers.**"—*Vide supra*, p. 83.

"**Appointed Day.**"—*Vide supra*, p. 5.

Use of school house out of school hours by local education authority (E. Act, 1902, s. 7 (1) (c)).

(b) The managers must allow the local education authority, if such authority have no suitable accommodation in schools provided by them, to use any room in the school house out of school hours free of charge for any educational purposes, but such obligation is not to extend to more than three days in the week.

Local education authority liable to make good damage (E. Act, 1902, s. 7 (2)).

The local education authority is also liable to make good any damage caused to the room by reason of such use other than damage arising from fair wear and tear.

"**Suitable Accommodation.**"—The existence or not of such accommodation will in case of dispute be a question for the Board of Education to decide (*vide infra*, p. 92).

"**Schools Provided by them.**"—As to this see p. 22.

"**Fair Wear and Tear.**"—This is a question of fact which if disputed will be determined by the Board of Education under sect. 7 (3), E. Act, 1902 (*vide infra*, p. 92) (*a*).

Managers liable for repairs (E. Act, 1902, s. 7 (1) (d)).

(c) The managers must out of funds provided by them keep the school house in good repair, and make such alterations and improvements in the buildings as may be reasonably required by the local education authority, but such damage as the local education authority consider to be due to fair wear and tear in the use of any room in the school house for the purpose of a public elementary school is to be made good by the local education authority.

"**Out of Funds Provided by them.**"—Including (a) any rent received in respect of the teacher's dwelling-house (*vide supra*, p. 90); (b) fees where chargeable (*vide*, p. 136); (c) endowments (*vide*, p. 145); (d) subscriptions. The local education authority has no control over the expenditure of such funds. No personal liability is cast upon the managers; they are liable only in so far as they have funds at their disposal from any source. They

(*a*) Dilapidations caused by the friction of the air, exposure, and ordinary use have been held to be covered by the words "reasonable wear and tear." *Terrell* v. *Murray*, T. L. R. xvii. 570.

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should, however, be careful not to contract with third parties unless actually or constructively in funds, as they may otherwise incur personal liability to such parties. Managers are also entitled to any parliamentary grant due before the "appointed day." See p. 123.

"**School House.**"—Including the teacher's dwelling-house, playground (if any), and the offices and premises belonging to or required by a school (E. E. Act, 1870 (33 & 34 Vict. c. 75), s. 3).

"**Good Repair.**"—In the case of leases these words are to be construed with reference to the subject matter, regard being had to the age, class, and general condition of the premises when the term commenced. Good repair has been held to be much the same as tenantable repair, which has been defined as such repair as having regard to the age, character, and locality of the premises would make it reasonably fit for the occupation of a reasonably-minded tenant of the class who would be likely to take it.

See *Paine* v. *Haine*, 16 M. & W. 541; *Proudfoot* v. *Hart*, 25 Q. B. D. 42.

"**The Buildings.**"—See "School House," *supra*.

"**As may Reasonably be Required.**"—In case of dispute the Board of Education will decide (*vide infra*).

"**Fair Wear and Tear.**"—It is to be noted that whereas the local education authority is not liable for damages due to fair wear and tear if it arise when they are occupying the school house out of school hours (*vide supra*), they are so where such damage is caused in connection with elementary education to the extent to which they may consider themselves so liable. Should the local education authority consider themselves not liable, it is questionable whether an appeal would lie to the Board of Education under sect. 7 (3), but presumably not.

Managers liable for damage to school furniture (E. Act, 1902, s. 7 (2)).

(d) The managers of the school in respect of the use by them of the school furniture out of school hours are to be liable to make good any damage caused to such furniture by reason of that use (other than damage arising from fair wear and tear).

"**Fair Wear and Tear.**"—This is a question of fact which if disputed will be determined by the Board of Education (*vide infra*).

Managers to leave room in proper condition (*ibid.*).

(e) The managers are to take care that after the use of a room in the school by them the room is left in proper condition for school purposes.

Should any question in connection with the foregoing conditions and provisions arise between the local education authority and the managers of a school not provided by the authority, that question, subject to what has been said as to directions (p. 89), is to be determined by the Board of Education.

Appeal to Board of Education (E. Act, 1902, s. 7 (3)).

The managers are to have the control of the religious instruction given in such schools, such religious instruction being as regards its character in accordance with the provisions (if any) of the trust-deed relating thereto. But nothing in the sub-sect. is to affect any provision in a trust-deed for reference to the bishop, or superior ecclesiastical or other denominational authority, the power of deciding whether the character of the religious instruction is or is not in accordance with the provisions of the trust-deed.

Control of managers over religious instruction (E. Act, 1902, s. (6)).

The above provision of the Act of 1902 is known as the "Kenyon-Slaney clause," having been introduced by Major Kenyon-Slaney.

The sub-section consists of two parts, the first dealing with the nature of the religious teaching to be given, and the second with the control of administration. The first part deals with doctrine, and the second with machinery. As to the first part, if the trust-deed makes no provision for determining any questions of difference as to what the doctrine of the Church of England may be, the question in the last resort will have to be determined by the Court of Chancery. The Courts will also have to determine any question of that kind when there is no trust-deed at all, and where there are any circumstances from which a trust can be implied in favour of the tenets of one denomination or another. But where the trust-deed provides that cases of difference, in relation to ecclesiastical teaching, are to be determined by some ecclesiastical authority, the clause does not in the slightest degree interfere with the functions of such authority to determine what the doctrine of the Church of England is. And if a question should arise as to whether a particular doctrine is a doctrine of the Church of England, if the trust-deed provides for the decision of that point by the bishop, his decision must be obtained, and it will be the duty of the managers to loyally carry it out. Should the managers infringe the terms of the trust as regards the character of the religious instruction as defined by the bishop, on reference to him under the terms of the trust-deed, the proper remedy would be an information in the name of the Attorney-General.

As to the second part of the clause, dealing with the manage-

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ment of the religious teaching—how it is to be given, and by whom—the managers have full control, and no appeal lies against their decision, and should the trust-deed happen to provide that the teaching is to be under the superintendence of the rector, such superintendence will now, under the sub-section, be subject to the control of the managers.

Transfer of schools and endowments by managers (E. E. Act, 1870, s. 23).

The managers of any elementary school within the area for which a local education authority act may make an arrangement with the local education authority for transferring their school to the local education authority, and the local education authority have power to consent to such an arrangement.

"**Elementary School.**"—See p. 22.

"**Make an arrangement.**"—For the machinery by which such an arrangement is to be carried out, see sect. 23, E. E. Act, 1870, p. 202.

E. E. Act, 1870, s. 23.

Such an arrangement may provide :—

(a) For the absolute conveyance to the local education authority of all the interest in the school house possessed by the managers or by any person who is trustee for them or for the school ; or

(b) For the lease of the same, with or without any restrictions, and either at a nominal rent or otherwise to the local education authority ; or

(c) For the use by the local education authority of the school house during part of the week, and for the use of the same by the managers or some other person during the remainder of the week ; or

(d) For any arrangement that may be agreed on.

The arrangement may also provide :—

(a) For the transfer on application of any endowment belonging to the school ; or

(b) For the local education authority undertaking to discharge any debt charged on the school not exceeding the value of the interest in the school house or endowment transferred to them.

"**School House.**"—For what this term includes see p. 91.

Power of managers to

Where such an arrangement is made, the managers may, whether the legal interest in the school house or endowment is

vested in them or in some person as trustee for them or the school, convey to the local education authority all such interest in the school house and endowment as is vested in them or in such trustee, or such smaller interest as may be required under the arrangement. But the managers may not so transfer any property which is not vested in them, or a trustee for them, or held in trust for the school; and where any person has any right given him by the trusts of the school to use the school for any particular purpose independently of the managers, no arrangement authorising any interference with such right can be made except with the consent of such person.

convey all interests vested in them or trustees (*ibid.*).

Where the school has been so transferred to a school board or to a local education authority, the local education authority may, by resolution with the consent of the Board of Education, re-transfer any school or interest in a school to a body of managers qualified to hold the same under the trusts of the school as they existed before such transfer, and upon such re-transfer may convey all the interest in the school house and in any endowment belonging to the school vested in the local education authority. The school upon such re-transfer ceases to be a "provided school," and is to be held upon the same trusts as it was before its transfer to the local education authority or school board.

E. E. Act, 1870, s. 24.

"**Resolution.**"—The requisite majority for passing such resolution is not less than two-thirds of those members of the local education authority who are present at a meeting duly convened for the purpose, and vote on the question.

"**Consent of Board of Education.**"—The Board cannot give their consent unless they are satisfied that any money expended upon such school out of a loan raised by the school board or local education authority of such district or area has been, or will, on the completion of the re-transfer, be repaid to the local education authority.

"**Body of Managers qualified to hold . . . under the Trusts of the School as they existed before the Transfer.**"—These words, and those lower down directing that the school is to be held upon the same trusts as before the transfer, must be read as modified by the E. Act, 1902, which may have affected the constitution of such a body of managers, and the disposition of the endowments. See p. 79.

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Transfers to be treated as provision of new schools (E. Act, 1902, s. 8 (3)).

Any transfer of a public elementary school to or from a local education authority is now by the E. Act, 1902, to be treated for the purposes of sect. 8 of that Act as the provision of a new school. *As to the provision of new schools under the Act, see p.* 25.

As to power of managers to purchase school house or site, see p. 86.

Sect. III.—PROCEDURE OF THE MANAGING BODY.

Appointment of chairman and regulation of proceedings (E. Act, 1902, Sch. I. B. (1)).

The body may choose their chairman, except in cases where there is an *ex-officio* chairman, and regulate their quorum and proceedings in such manner as they think fit, subject however:—

(a) In the case of a provided school to any direction of the local education authority providing the school;

(b) In *all* cases to the quorum being not less than three, or one-third of the whole number of managers, whichever is the greater.

Holding of meetings (Sch. I. B. (6) (7)).

A meeting must be held at least once in every three months.

Any two managers may convene a meeting of managers.

Determination of questions. Chairman's casting vote (Sch. I. B. (2)).

Every question at a meeting is to be determined by a majority of the votes of the managers present and voting on the question, the chairman, in the case of an equal division of votes, giving a second or casting vote.

Proceedings not invalidated by vacancy (Sch. I. B. (3)).

The proceedings of a meeting are not invalidated by any vacancy in the number of the body of managers, or by any defect in the election, appointment, or qualification of any managers.

Minutes to be kept (Sch. I. B. (8)).

The minutes of the proceedings are to be kept in a book provided for the purpose.

Signed minutes made evidence (Sch. I. B. (9)).

A minute of the proceedings, signed at the same or at the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, is to be received in evidence without further proof.

Inspection of minutes (Sch. I. B. (10)).

The minutes are to be open to inspection to the local education authority.

Due constitution of managing body to be assumed until contrary proved (Sch. I. B. (11)).

Until the contrary is proved, a body of managers is to be deemed to be duly constituted and to have power to deal with the matters referred to in their minutes.

SECT. IV.—DEVOLUTION BY THE LOCAL EDUCATION AUTHORITY OF ITS POWER OF MANAGEMENT.

E. Act, 1902, s. 20 (a).

The local education authority may make arrangements with the council of any county, borough, district, or parish (whether a local education authority or not), for the exercise by such council, on such terms, and subject to such conditions as may be agreed on, of any powers of the authority in respect of the management of any school or college within the area of the council.

Devolution of Powers of Management.—This power may be very useful where non-county boroughs or urban districts relinquish their powers and duties under the Act as to elementary education (see p. 74), as the county council may devolve its powers in respect of the management of any school within such borough or urban district on the borough or district council.

"The Council of any Parish."—The L. G. Act, 1894, provides:—

That there shall be a parish council for every rural parish which has a population of 300 and upwards (sect. 10).

Rural parish means every parish in a rural sanitary district (sect. 1 (2)); and the area of a rural sanitary district is the area of any union which is not coincident in area with an urban district, not wholly included in an urban district, excepting those portions, if any, of the area, which are included in an urban district, (P. H. Act, 1875 (38 & 39 Vict. c. 55), s. 9).

The council consists of a chairman and councillors, for both of which women, married or single, are eligible (L. G. Act, 1894 (56 & 57 Vict. c. 73), s. 3 (1) (2)).

It is a body corporate with perpetual succession, and power to hold land for the purposes of their powers and duties without licence in mortmain (L. G. Act, 1894 (56 & 57 Vict. c. 73), s. 3 (9)).

The parish council must hold not less than four meetings a year, of which one must be the annual meeting (*ibid.* Sch. I. r. 13).

The annual meeting must be held on or within seven days of the 15th of April (Parish Councillors (Tenure of Office) Act, 1899 (62 & 63 Vict. c. 10), s. 1 (5)).

The parish council may appoint committees, consisting either wholly or partly of members of the council, for the exercise of any powers which, in the opinion of the council, can be properly exercised by committees, but a committee cannot hold office beyond the next annual meeting of the council, and its accounts must be submitted to the council for their approval (L. G. Act, 1894 (56 & 57 Vict. c. 73), s. 56 (1)).

The quorum, proceedings, and place of meeting of a committee,

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whether within or without the parish, and the area (if any) within which the committee are to exercise their authority, are such as may be determined by regulations of the council or councils appointing the committee. Subject to such regulations, the quorum, proceedings, and place of meeting, whether within or without the parish, is to be such as the committee direct, and the chairman at any meeting has a second or casting vote (L. G. Act, 1894 (56 & 57 Vict. c. 73), Sch. I. Part IV.).

"**Powers of the Authority in respect of the Management of any School.**"—In the case of non-provided schools these words presumably refer to the powers, of giving directions as to secular instruction, including directions with respect to the number and educational qualifications, and dismissal on educational grounds of teachers (see p. 88); of inspecting schools (see p. 89); of consenting to the appointment and dismissal of teachers (see pp. 89, 90); and of appointing pupil teachers under certain circumstances (p. 54).

In the case of "provided" schools the managing body only deals with such matters, and subject to such conditions and restrictions as the local education authority determine (E. Act, 1902 (2 Edw. VII. c. 42, Sch. I. B. (4)). In such cases, therefore, it would appear to be entirely in the discretion of the authority as to whether they will delegate the whole or any and what powers to a council.

It would seem open to question whether the words "Any powers . . . in the respect of management" include the power of the authority to appoint managers. They may possibly do so, in which case it would be competent in a county council to surrender its power of appointing managers in the case of the schools of non-county boroughs or urban districts relinquishing their rights as elementary education authorities under sect. 20 (b) (see p. 74), and by thus putting the appointment of the managing body entirely in the hands of the council to delegate the whole management of such schools to the borough or urban district (*vide supra*, p. 97).

"**College.**"—This expression includes any educational institution whether residential or not (E. Act, 1902, s. 24 (4)).

PART III.

HIGHER EDUCATION.

CHAPTER I.

HIGHER EDUCATION UNDER THE EDUCATION ACT, 1902.

SECT. I.—POWERS AND DUTIES OF THE LOCAL EDUCATION AUTHORITY.

IT is the duty of the local education authority :— F. Act, 1902, s. 2 (1).

(a) To consider the educational needs of their area.

(b) To take such steps, as seem to them desirable, after consultation with the Board of Education to :—

(i.) Supply, or aid the supply of education other than elementary ;

(ii.) Promote the general co-ordination of all forms of education.

"**It is the Duty of the Local Education Authority.**"—The failure to consider the educational needs of their area by the local education authority would seem to be a breach of duty enforceable by mandamus under sect. 17, E. Act, 1902 (see p. 75) ; but the further duty of taking steps to supply or aid the supply of education, &c., would scarcely seem to be so enforceable if the local education authority, after a *bonâ fide* consideration of the matter, do not consider it desirable.

For mandamus see p. 75.

As to the local education authority for higher education see p. 9.

"**To Supply or Aid the Supply of Education.**"—This power includes :

(i.) The power to make provision for the purpose outside their

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area in cases where the local education authority consider it expedient to do so in the interest of their area (E. Act 1902, s. 23 (2)).

(ii.) The power to provide or assist in providing scholarships for, and to pay or assist in paying the fees of, students ordinarily resident in the area of the local education authority at schools or colleges or hostels within or without that area (*ibid.* (2)).

(iii.) The power to train teachers (E. Act, 1902, s. 22 (3)).

(iv.) To supply or aid the supply of *any* education except where that education is given at a public elementary school (*ibid.*).

"*Any Education.*"—It will accordingly be possible for the local education authority to supply elementary education out of higher education funds where this is necessary, and, conversely, higher education may be given out of elementary education funds, with the consent of the Board of Education, where no suitable higher education is available within a reasonable distance of a public elementary school. See E. Act, 1902, s. 22 (2), p. 1, *supra*.

"*Public Elementary School.*"—See p. 21.

For the funds available for higher education purposes see p. 156.

Concurrent powers of boroughs and urban districts (E. Act, 1902, s. 3).

The council of any non-county borough or urban district have power *as well as* the county council to spend such sums as they think fit for the purpose of supplying or aiding the supply of education other than elementary.

For the amount which such councils may raise out of rates see p. 158.

"**For the Purpose of Supplying or Aiding the Supply of Education other than Elementary.**"—As to what this power includes, *vide supra*. It will be noted that the exercise of this power in the case of a non-county borough and urban district council is optional only, and in the case of a borough or urban district which is a local education authority may be relinquished (E. Act, 1902, s. 20 (b). See also Circular of Board of Education, 470, II. (4), p. 407).

Matters to be regarded in exercising powers as to higher education (E. Act, 1902, s. 2 (2)).

A council in exercising their powers in respect of higher education are to have regard to:—

(a) Any existing supply of efficient schools or colleges;

(b) Any steps already taken for the purpose of higher education under the Technical Instruction Acts, 1889, 1891.

"**A Council.**"—Including those of non-county boroughs and urban districts.

"**Technical Instruction Acts.**"—These Acts are repealed by E. Act, 1902, Sch. IV. Part I.

Religious instruction (E. Act, 1902, s. 4 (1)).

In the application of money for the above purposes, any council must comply with the following provisions :—

(a) In any school, college, or hostel aided but not provided by them, they cannot require any particular form of religious instruction or worship, or any religious catechism or formulary which is distinctive of any particular denomination to be taught or not taught, used, or practised ; and

(b) In any school, college, or hostel provided by them :—

(i.) No pupil may, on the grounds of religious belief, be excluded from or placed in an inferior position in such school, college or hostel ;

(ii.) No catechism or formulary distinctive of any particular denomination is to be taught or used in any such school, college or hostel, except in cases where the council, at the request of the parents of scholars, at such times and under such conditions as the council thinks desirable, allow any religious instruction to be given in the school, college, or hostel, otherwise than at the cost of the council.

"**Where the Council . . . allow any Religious Instruction.**"—In exercising their power of allowing religious instruction to be given, the local education authority must not show any unfair preference to any religious denomination (E. Act, 1902. s. 4 (1)).

The above two provisions were framed to deal with the subject of training colleges. The ways in which the training of teachers is provided for are as follows :—

(i.) By residential training colleges (mostly denominational) ;

(ii.) By day training colleges ;

(iii.) By hostels for students attending a denominational training college, although not of that denomination.

The provisions recognise all three ways, and both denominational and undenominational training. For whilst by (a) the denominational colleges are safeguarded, (b) (ii.). by applying a modified form of Cowper-Temple clause to higher education, secures

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undenominational training in all colleges and hostels provided by the local education authority. The view of the Government expressed in committee on the Bill was that undenominational training would be most effectually provided by the erection of undenominational training colleges and hostels in connection with day-training colleges attached to a university. It was also then stated that in support of such hostels, annual grants from the Exchequer would be made in the case of students resident in such hostels to the like amount as is already done in the case of students in residential training colleges, viz., a sum not exceeding £50 for each man and £35 for each woman (*D. S. Code*, 1903, *Art.* 125 (b), *p.* 663). *For grants to training colleges see D. S. Code*, 1903, *Arts.* 122—129.

"*Residential Training College.*"—This is defined as an institution for boarding, lodging and instructing students who are preparing to become certificated teachers in elementary schools; but such a college may receive day students. Institutions for boarding, lodging and instructing blind students who are preparing to become teachers in schools for the blind may be recognised as a training college (D. S. Code, 1903, Art. 111).

"*Day Training College.*"—This is defined as an institution for merely instructing students who are preparing for being certificated teachers in elementary schools. Such a college must be attached to some university or college of university rank. The authorities of such a college must be a local committee, who will be held responsible for the discipline and moral supervision of the students, for due care as regards their board and lodging, and for regular attendance at professorial or other lectures (D. S. Code, 1903, Art. 112), p. 661.

Training colleges are required to include, either on their premises or within a convenient distance, a practising school in which students may learn the practical exercise of their profession (*ibid.* Art. 111, p. 661).

E. Act, 1902. s. 4 (2).

(c) In any school or college receiving a grant from or maintained by a council:—

(i.) A day or evening scholar is not to be required as a condition of being admitted into or remaining in the school or college to attend or abstain from attending any:—

(α) Sunday school; or

(β) Place of religious worship; or

(γ) Religious observance; or

(δ) Instruction in religious subjects

in the school or college or elsewhere;

(ii.) The times of religious worship, or for any lesson on a religious subject, is to be conveniently arranged for the purpose of allowing the withdrawal of any such scholar therefrom.

It will be noted that the above is an application of the "Conscience Clause" (E. E. Act, 1870, s. 7) to higher education in the case of day and evening scholars.

As to the power of a county or borough council, or, with the consent of the Board of Education, an urban district council, to empower a school board to carry on up to the "appointed day" the work of any school or class not lawfully maintainable by such school board out of the school fund, see E. Act, 1901; E. Act 1901 (Renewal) Act, 1902, p. 269; E. Act, 1902, s. 27 (3), p. 285.

"*Appointed Day.*"—See p. 5.

"**Devolution of Powers of Management.**"—For this power, which exists also in the case of higher education, see p. 96. E. Act, 1902, s. 20 (b).

Chapter II.

INTERMEDIATE AND TECHNICAL EDUCATION UNDER THE WELSH INTERMEDIATE EDUCATION ACT, 1889.

Sect. I.—THE JOINT EDUCATION COMMITTEE.

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Welsh Intermediate Education Act, 1889, s. 5.

The Welsh Intermediate Education Act of 1889 (52 & 53 Vict. c. 40) which, as provided by its first section, came into force on the 1st of November of that year, had for its purpose the making of further provision for the intermediate and technical education of the inhabitants of Wales and the county of Monmouth (see sect. 2). The machinery whereby it was proposed to effect that purpose was as follows:—There was to be appointed in every administrative county and county borough, within the meaning of the L. G. Act of 1888 in Wales and Monmouthshire, a committee of the council of such county or county borough, termed a joint education committee, and consisting of three persons nominated by the county council and two nominated by the Lord President of Her Majesty's Privy Council, the two latter "being persons well acquainted with the condition of Wales and the wants of the people," preference being given to residents within the county for which such joint committee was appointed.

"**Intermediate and Technical Education.**"—Unless there is something in the context inconsistent therewith, the expression "intermediate education" means a course of education which does not consist chiefly of elementary instruction in reading, writing, and arithmetic, but which includes instruction in Latin, Greek, the Welsh and English languages and literature, modern languages, mathematics, natural and applied science, or in some of such studies, and generally in the higher branches of knowledge, but nothing in this Act shall prevent the establishment of scholarships in higher or other elementary schools;

The expression "technical education" includes instruction in—

(i.) Any of the branches of science and art with respect to which grants are for the time being made by the Department of Science and Art;

(ii.) The use of tools, and modelling in clay, wood, or other material;

(iii.) Commercial arithmetic, commercial geography, book-keeping, and shorthand;

(iv.) Any other subject applicable to the purposes of agriculture, industries, trade, or commercial life and practice, which may be specified in a scheme, or proposals for a scheme, of a joint education committee as a form of instruction suited to the needs of the district;

but it shall not include teaching the practice of any trade, or industry, or employment. (See Welsh Intermediate Education Act (52 & 53 Vict. c. 40), s. 15.)

Framing of schemes by the joint education committee (*ibid.* (3) (1)).

It was the duty of these joint education committees to submit to the Charity Commissioners a scheme or schemes for the intermediate and technical education of the inhabitants of their county, either alone, or in conjunction with the inhabitants of any adjoining county or counties, specifying in each scheme the educational endowments within their county, which in their opinion ought to be used for the purposes of such scheme. The schemes so submitted were to be dealt with by the Commissioners as schemes under the Endowed Schools Acts, 1869—1874, and accordingly they were ultimately sanctioned by an order of the Queen in Council, with or without having been previously laid before both Houses of Parliament. Instead, however, of submitting schemes to the Commissioners, the joint education committee might, if they so preferred, submit under sub-sect. 7 of sect. 3 of the Act proposals for a scheme (52 & 53 Vict. c. 40, s. 3 (7)).

Although the joint education committees under the Act were speedily formed and the work commenced in most cases with vigour, it was not until December, 1890, that proposals for a scheme were received by the Commissioners from Carmarthenshire; nor before May, 1896, had schemes been approved by the Crown for all the counties and county boroughs. (For list of these see p. 115.)

The course almost universally followed was to submit proposals for schemes under sect. 3 (7) of the Act, rather than complete draft schemes under sect. 3 (1). The proposals, although, as was naturally

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to be expected, displaying many differences in detail, yet possessed many features in common—a result due in large measure to a series of conferences of joint education committees held while the schemes for the several counties were in course of preparation. The powers conferred by the Act on the joint education committees were limited in the first instance to a period of three years, during which time the powers of the Charity Commissioners to frame schemes, except as provided by the Act, for educational endowments in Wales and Monmouthshire, were suspended, unless the consent of the Education Department to their exercise was obtained (see sect. 11 of the Act, p. 301). The powers of the committees, which would thus have expired in November, 1892, have been extended from year to year by the Expiring Laws Continuance Acts, up to 31st December, 1902. See 1 Ed. VII. c. 33, s. 1 (1), Schedule Part I.

"**Charity Commissioners.**"—The Board of Education Act, 1899 (62 & 63 Vict. c. 33), s. 2 (2), provides that it shall be lawful for Her Majesty in Council, from time to time, by Order to transfer to, or make exerciseable by, the Board of Education any of the powers of the Charity Commissioners . . . in matters appearing to Her Majesty to relate to education, and that the Order may make such provision as appears necessary for applying to the exercise of those powers by the Board of Education the enactments relating to the Charity Commissioners. Provided that any question as to whether an endowment or any part of an endowment is held for or ought to be applied to educational purposes shall be determined by the Charity Commissioners.

By virtue of the above section an Order dated the 24th July, 1901, and which may be cited as the Board of Education (Powers) Order in Council, 1901, provides:—

1.—(1.) The powers conferred on the Charity Commissioners by the Charitable Trusts Acts, 1853 to 1894, and by the Endowed Schools Acts, 1869 to 1889, to frame, approve, certify, establish, and amend schemes shall, so far as those powers are exerciseable in respect of any endowment held solely for educational purposes in England and Wales, and so far as they have not already been transferred to the Board of Education, be transferred to that Board.

Provided that a scheme made by the Board of Education shall not contain provisions requiring or authorising any land or funds belonging to any such endowment to be vested or transferred in, to, or from the Official Trustee of Charity Lands or the Official Trustees of Charitable Funds otherwise than by Order of the Charity Commissioners.

(2.) Where the Charity Commissioners, in exercise of the powers conferred on them by the Charitable Trusts Acts, 1853 to 1894, or the Endowed Schools Acts, 1869 to 1889, determine, by

scheme or otherwise, in respect of any endowment held partly for educational purposes and partly for other purposes, what part of the endowment is held for educational purposes, that part shall, for the purposes of this Order be treated as an educational endowment held solely for educational purposes.

(3.) For the purposes of the transfer effected by this section the provisions of the Charitable Trusts Acts, 1853 to 1894, and the Endowed Schools Acts, 1869 to 1889, shall apply with the modifications and adaptations set forth in the schedule of this Order. (*Vide infra.*)

(4.) In any scheme made before the commencement of this Order relating to an endowment held solely for educational purposes, provisions empowering the Charity Commissioners to make amending schemes and to make rules, regulations, and forms, and any rules, regulations, and forms made by the Charity Commissioners, before the commencement of this Order in pursuance of any such power, shall have effect as if in those provisions and in those rules, regulations, and forms, references to the Board of Education were substituted for references to the Charity Commissioners.

2.—Provisions in any scheme made before the commencement of this Order empowering the Charity Commissioners by Order to direct the manner in which a school shall be examined in any year, or directing the Governing Body to send a copy of the examiner's report to the Charity Commissioners, shall have effect as if in any such scheme references to the Board of Education had been substituted for references to the Charity Commissioners.

SCHEDULE.

Modifications and Adaptations.

In such of the provisions of the Charitable Trusts Acts, 1853 to 1894, and of the Endowed Schools Acts, 1869 to 1889, as relate to the framing, approving, certifying, establishing, and amending of schemes, or to the powers and duties and proceedings incidental thereto or consequential thereon, for references to the Charity Commissioners and their officers shall be substituted references to the Board of Education and their officers respectively.

The Board of Education shall, before finally settling the draft of any scheme framed under the Endowed Schools Acts, 1869 to 1889, or any of them, cause all such steps to be taken as are by those Acts required to be taken before any such scheme is submitted for approval to the Committee of Council on Education, and such final settlement shall take the place of the approval required by those Acts, and accordingly the Board of Education shall cause the scheme to be published and circulated in such manner and together with such notice as is required by sect. 13 of the Endowed Schools Act, 1873, and the like proceedings may be taken with respect to a scheme so settled as may under the Endowed

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Schools Acts, 1869 to 1889, be taken with respect to a scheme approved by the Committee of Council on Education.

The report required by sect. 16 of the Endowed Schools Act, 1873, to be made to the Committee of Council on Education shall be made to His Majesty the King.

See the Order and those of 7th August, 1900, and 11th August, 1902, at pp. 452, 455, 457.

"**Educational Endowments.**"—By sect. 12 of the Act:—

(i.) An educational endowment within the county of a joint education committee means any educational endowment which is applied in the county or is appropriated for the benefit of the natives or inhabitants of the county, or of some of such natives or inhabitants, or their children; or

(ii.) Where the benefits of such endowment are divisible between two counties or between the counties in Wales and the county of Monmouth, or any of them, and any place outside of Wales and the county of Monmouth, then means so much of the endowment as the Charity Commissioners may determine to be applicable for the benefit of the county of the joint education committee.

(iii.) Any school or endowment of a school to which sect. 75 of the E. E. Act, 1870, applies, and any endowed school to which sect. 3 of the Endowed Schools Act, 1873, applies, if the school is in the county of a joint education committee under the Act is, for the purposes of the Endowed Schools Acts and the Welsh Intermediate Education Act, an educational endowment or endowed school within the county of such committee.

For sect. 75 of the E. E. Act, 1870, *see p.* 213.

Sect. II.—THE COUNTY GOVERNING BODY.

County governing body.

A central governing body is constituted in the case of each county and county borough, consisting of a varying number of representative governors—the average is about twenty-three—and of a much smaller number, generally two or three, of co-optative governors. In every case a majority of the body is appointed by the county council, and in every case at least one governor is appointed by a Welsh University College. The remainder are appointed by the district governing bodies, by co-optation, and in some cases by the head teachers of public elementary schools in the county. Each county borough is represented on the governing body of the county in which it geographically

lies, and gives to the county an equivalent representation on its own governing body. In each of the three county boroughs there is also provision for the representation of the school board, and in two out of the three for representation of duly constituted managers of public elementary schools not provided by school boards.

"**County Governing Body.**"—The E. Act, 1902, sect. 17 (8) provides that any scheme for establishing an education committee of the council of any county or county borough in Wales or of the county of Monmouth or county borough of Newport, shall provide that the county governing body constituted under the Welsh Intermediate Education Act, 1889, for any such county or county borough shall cease to exist, and shall make such provision as appears necessary or expedient for:—

(i.) The transfer of the powers, duties, property and liabilities of any such body to the *local education authority* under that Act: and

(ii.) Making the provisions of the section (17) applicable to the exercise by the local education authority of the powers so transferred.

"*Education Committee.*"—See p. 11.

"*Powers, Duties, Property and Liabilities.*"—These words are to have the same meaning unless the context otherwise requires as under the L. G. Act, 1888 (E. Act, 1902, s. 24 (3)). See p. 5.

Functions of county governing body.

The county governing body has a general control of the county organisation, partly through its position as receiver and distributor of the county fund, and partly by virtue of special functions which affect all the county schools. Among such functions are the making of arrangements for—the examination and inspection of schools in concert with the Central Welsh Board, for travelling teachers in special subjects, and for exhibitions to take pupils from the schools to places of higher education; the organisation of a pension fund for teachers; and the framing of general regulations for the guidance of district bodies in the administration of the district scholarship funds. The county governing body has also the important function of making arrangements with the governing body of any other county for the benefit of scholars on the borders or otherwise.

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There are, however, two or three points in respect of which the county governing body is in almost every county directly concerned with the actual management of the several schools. These are the provision of school buildings, the extension of the school curriculum beyond the subjects named in the scheme, and the appointment or dismissal of the head-master or head-mistress.

Sect. III.—THE DISTRICT GOVERNING BODY.

Organisation of county by districts.

The county is divided into districts, called "school districts" in cases where a county school is established, and "scholarship districts" in other cases. Each district has its own governing body, which is also as a rule the governing body of any county school or schools within the district.

The district governing body.

The district governing body, where there is a school, varies in number from eleven to twenty-one, and in scholarship districts is usually below the former figure. Its constitution varies also very considerably in different localities, but it contains in all cases representatives of the county council, of urban and rural local authorities in the district, and of the elementary education authorities (school boards and managers). Parents of scholars, donors and subscribers are also provided for in some cases. With but very few exceptions, the election of a minimum number of women is secured on the governing body of every district in which there is to be a school.

Broadly speaking, the district governing body is responsible for local finances and the ordinary management of school affairs, and administers the scholarship fund of the district.

"**A Scholarship District.**"—Such a district is constituted where a group of parishes is too small to support a school of its own, and too remote from any county school to be able to get its fair proportion of advantage therefrom without special expense and difficulty. In such a case the district is given its own share of the county fund, and provision is made for the application of the money in the maintenance of scholarships tenable at any county school, or in the maintenance of an upper department in connection with some public elementary school in the district.

Sect. IV.—THE CENTRAL WELSH BOARD OF INTERMEDIATE EDUCATION.

This Board, which was constituted by a scheme approved 13th May, 1896, has for its object the carrying out of the examination and inspection, upon the result of which the Treasury grant under sect. 9 of the Act depends.

The scheme establishes two bodies, a board consisting of 80 members, and an executive committee consisting of 15 members of the board.

The board is composed of—

3 *ex-officio* members (being the principals of the three Welsh University Colleges);

71 representative members; and

6 co-optative members.

The representative members are appointed by the county councils, the county governing bodies under schemes, head-masters and head-mistresses of the county schools, certificated teachers of public elementary schools in Wales and Monmouthshire, the councils of the three University Colleges, the Senates of the same, the Principal and Fellows of Jesus College, Oxford, and the University of Wales, with the result that—

County councils appoint	21
County governing bodies	26
Head-masters and mistresses of county schools .	5
Teachers of public elementary schools . .	5
University bodies	14

The executive committee is appointed by the board. Eight members must be chosen from the representatives of county councils and of county governing bodies, and the remainder from the other members of the board.

Members of both bodies hold office for three years.

The Charity Commissioners have the right to be represented at the meetings of both bodies by an assistant commissioner who is at liberty to take part in the proceedings, but not to vote.

Funds administered by the central board.

The funds to be administered by the scheme are:—

(a) A uniform yearly contribution to be paid by the county

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governing body of each county and county borough, being not more than 5 per cent. of its total revenue for the preceding year.

(b) A yearly contribution by the Treasury of £500.

(c) Any additional donations or endowments which may hereafter be received.

Functions of the central board.

The functions of the board are declared to be :—

(a) To provide and pay for the examination of all the county schools, for which purpose they are to fix the percentage of income to be paid by each county, and may further charge every county governing body a capitation fee at the rate of not more than 2*s.* 6*d.* for each scholar offered for examination in the county schools. It is also provided that the examination need not be the same for all schools, but that regard shall be had by the examiners to the teaching in each school as prescribed by the governors.

(b) To provide and pay for the inspection of all the county schools, for which purpose there is to be a chief inspector, at a salary not exceeding 800*l.* a year exclusive of travelling expenses, who may also be employed in the discharge of other executive functions.

(c) The provision for examination and inspection may be extended to any other school in Wales regulated by scheme under the Endowed Schools Acts, 1869—1889, provided that the charge to such school shall be not less than the actual cost.

The Board may further undertake the following functions, but may not, except in payment of expenses of organisation and management, apply their income to the objects specified :—

(a) The organisation of a pension scheme for teachers in schools established by scheme under the Welsh Act.

(b) The collection and circulation of information with regard to books, maps, and other apparatus. The Board may on certain conditions act as agents for the purchase of the same.

(c) The arrangement of conferences of governing bodies or of teachers.

(d) Such other functions within the scope of the Endowed School Acts as the Board think fit.

Functions of the executive committee.

The executive committee has, in accordance with regulations to be framed by the Board :—

(a) To make the necessary arrangements for the examination and inspection of schools.

(b) To perform such other work as may be assigned to them by the Board.

(c) To prepare and submit to the Board, from time to time, proposals for the extension and development of the work of the Board.

(d) To appoint examiners.

(e) To appoint, and at pleasure dismiss, the chief inspector, clerk, and all other officers of the Board, subject to the approval of the Board in the case of the chief inspector and clerk.

"**Treasury Grant.**"—The following regulations were made by the Lords Commissioners of Her Majesty's Treasury under sect. 9 of "The Welsh Intermediate Education Act, 1889," June 20th, 1892:

1. The Treasury will in each year pay, subject to the conditions and reductions hereinafter stated, in aid of each school aided by a county, and subject to a scheme made under the Act, a grant equal to such part of the amount payable in that year in pursuance of the Act out of the county rate as may be designated in respect of the school by a schedule prepared by the county governing body and approved by the Charity Commissioners. The grant for each school shall fall due on such day as may be from time to time appointed by the Treasury.

2. The grant will be paid to the persons to whom the county council contribution is directed by scheme to be paid in pursuance of sect. 7, sub-sect. 2 of the Act.

3. The conditions required to be fulfilled by a school in order to obtain an annual grant under the Act are as follows:—

(a) The school must be efficient as regards instruction.

(b) The school premises must be healthy, and suitable for the purposes of an intermediate school.

(c) The school premises must provide sufficient accommodation for the scholars attending the school.

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(d) The school must be supplied with suitable furniture and apparatus.

(e) The school must be conducted in accordance with the scheme under which it is established.

(f) The school must be open at all reasonable times to officers authorised by the Charity Commissioners and any returns or information called for by that Department must be duly furnished.

(g) The school must be reported on by the Charity Commissioners in respect of the fulfilment of the preceding conditions or otherwise.

4. For the purpose of ascertaining whether these conditions are fulfilled there shall be an annual examination and inspection of the school. Such examination and inspection may be conducted by a Central Welsh Board for intermediate education, established by scheme under the Act, provided that such scheme is approved by the Treasury. The results of such examination and inspection shall be reported to the Charity Commissioners, and the Charity Commissioners will make such inquiry, and, in case of need, such further examination or inspection as they think necessary.

5. If the Charity Commissioners report to the Treasury that any of these conditions are not satisfied, the grant may be refused or may be reduced by such number of tenths as the Treasury may determine.

6 Any officer authorised in that behalf by the Charity Commissioners shall be at liberty to attend any meeting of the Central Welsh Board for intermediate education, or of any committee of that board, and to take part in the proceedings, but shall not have a right to vote. (Signed) R. E. WELBY.

Treasury Chambers,
June 20th, 1892.

"*Charity Commissioners.*"—For this must now be substituted the Board of Education. See Board of Education Act, 1899 (s. 2 (2)), p. 334, and Orders in Council, 7th Aug., 1900, 24th July, 1901, and 11th Aug., 1902. pp. 452, 455, 457.

"*On such day as may be from time to time appointed by the Treasury.*"—In cases where a change is made in the date at which the grant falls due, or where there is other sufficient reason, the grant may be made for a period greater or less than a year; and in that case it shall be proportionately increased or diminished.

"*The Central Welsh Board.*"—For this, *vide supra*, p. 111.

"**County Governing Bodies.**"—As to the abolition of these see p. 109.

"**Charity Commissioners.**"—As to transfer of their powers to Board of Education, see p. 106. The Board of Education has now the right of being represented by an inspector or other officers of the Board.

"**A Yearly Contribution by the Treasury of £500.**"—This payment is made in recognition of the fact that the Board relieves the Treasury of the duty to provide examination and inspection.

List of schemes.

LIST OF THE COUNTY AND COUNTY BOROUGH SCHEMES AND THE SCHEME FOR THE CENTRAL WELSH INTERMEDIATE EDUCATION FUND, APPROVED UNDER THE ACT OF 1889.

County or County Borough.	Title given by Scheme to Payments or Endowments dealt with.	Date of Approval of Scheme.
County of ANGLESEY.	The Anglesey Intermediate and Technical Education Fund. (Including funds under Welsh Intermediate Education Act, 1889, and Local Taxation (Customs and Excise) Act, 1890, and David Hughes' Free Grammar School and Almshouse.)	27th June, 1894.
County of BRECKNOCK.	The Brecknockshire Intermediate and Technical Education Fund. (Including funds under Welsh Intermediate Education Act, 1889, and Local Taxation (Customs and Excise) Act, 1890.)	20th Nov., 1894.
County Borough of CARDIFF.	The Cardiff Intermediate and Technical Education Fund. (Including funds under Welsh Intermediate Education Act, 1889, and Local Taxation (Customs and Excise) Act, 1890, Craddock Wells Charity and Cardiff share of Howell's Charity for Girls' Schools in Wales.)	26th June, 1893.
County of CARDIGAN.	The Cardiganshire Intermediate and Technical Education Fund. (Including funds under Welsh Intermediate Education Act, 1889, and Local Taxation (Customs and Excise) Act, 1890, and Cardigan School (including Charity of Letitia Cornwallis).)	23rd Nov., 1893.

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County or County Borough.	Title given by Scheme to Payments or Endowments dealt with.	Date of Approval of Scheme.
County of CARDIGAN.	The Cardiganshire Intermediate and Technical Education Fund (amending scheme).	1st Aug., 1896.
County of CARMARTHEN.	The Carmarthenshire Intermediate and Technical Education Fund. (Including funds under Welsh Intermediate Education Act, 1889, and Local Taxation (Customs and Excise) Act, 1890, and Carmarthen Grammar School (including the charities of Lady Elizabeth Morgan and Jonathan Oakley.)	3rd Mar., 1894.
County of CARNARVON.	The Carnarvonshire Intermediate and Technical Education Fund. (Including funds under Welsh Intermediate Education Act, 1889, and Local Taxation (Customs and Excise) Act, 1890, Bangor Grammar School (exclusive of the endowment of John William Hughes, for a scholarship, founded by will dated 3rd November, 1881, and proved in the principal registry 15th May, 1882), and Bottwnog Free Grammar School.)	16th May, 1893.
County of DENBIGH.	The Denbighshire Intermediate and Technical Education Fund. (Including funds under Welsh Intermediate Education Act, 1889, and Local Taxation (Customs and Excise) Act, 1890, Denbigh Grammar School (including the Hugh Davies Griffiths' scholarships or exhibitions), the Hospital and School Foundation of Sir John Wynne, of Gwydyr, at Llanrwst. Ruabon Grammar School (including the charities of Ellis Lloyd and the Rev. Richard Davies) and the Wrexham Grammar School Exhibition Foundation.)	7th Aug., 1894.
County of FLINT.	The Flintshire Intermediate and Technical Education Fund. (Including funds under Welsh Intermediate Education Act, 1889, and Local Taxation (Customs and Excise) Act, 1890, Samuel Smith's	27th June 1894.

County or County Borough.	Title given by Scheme to Payments or Endowments dealt with.	Date of Approval of Scheme.
	gift, Hawarden Grammar School and charities of Ralph Brereton and Sydney Whitley attached thereto, Holywell Grammar School, St. Asaph Grammar School, and Davies Griffith Charity.)	
County of GLAMORGAN.	The Glamorgan Intermediate and Technical Education Fund. (Including funds under Welsh Intermediate Education Act, 1889, and Local Taxation (Customs and Excise) Act, 1890, Foundation of Edward Lewis for a school at Gelligaer, and Alldworth's Foundation at Eglwysilan.)	13th May, 1896.
County of MERIONETH.	The Merionethshire Intermediate and Technical Education Fund. (Including funds under Welsh Intermediate Education Act, 1889, and Local Taxation (Customs and Excise) Act, 1890, Bala Grammar School and Rev. John Ellis's Charity. Dr. Williams's School, Dolgelley, is included, for certain purposes, in this scheme, but is not constituted part of the Merionethshire Intermediate and Technical Education Fund.)	23rd Nov., 1893.
County of MONMOUTH.	The Monmouthshire Intermediate and Technical Education Fund. (Including funds under Welsh Intermediate Education Act, 1889, and Local Taxation (Customs and Excise) Act, 1890, Usk Grammar School Foundation, with the share of the Charity of Hannah Barnard Davies, payable to the governing body of the said school under a scheme of the Court of 2nd March, 1891, Jones's Almshouse and Grammar School Foundation, and Monmouth share of Howell's Charity for Girls' Schools in Wales. Powell's Endowed School, Llantilio Crossenny, is included, for certain purposes, in this scheme, but it is not constituted	7th Aug., 1894.

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County or County Borough.	Title given by Scheme to Payments or Endowments dealt with.	Date of Approval of Scheme.
County of MONMOUTH—*continued.*	part of the Monmouthshire Intermediate and Technical Education Fund.)	
County of MONTGOMERY.	The Montgomeryshire Intermediate and Technical Education Fund. (Including funds under Welsh Intermediate Education Act, 1889, and Local Taxation (Customs and Excise) Act, 1890, and Stuart Rendel's Gift.)	23rd Nov., 1893.
County Borough of NEWPORT.	The Newport Intermediate and Technical Education Fund. (Including funds under Welsh Intermediate Education Act, 1889, and Local Taxation (Customs and Excise) Act, 1890, and Newport share of Howell's Charity for Girls' Schools in Wales.)	23rd Nov., 1893.
County of PEMBROKE.	The Pembrokeshire Intermediate and Technical Education Fund. (Including funds under Welsh Intermediate Education Act, 1889, and Local Taxation (Customs and Excise) Act, 1890, Mary Tasker's School, Haverfordwest, and Eastgate School, Narberth. Haverfordwest Grammar School is included, for certain purposes in this scheme, but is not constituted part of the Pembrokeshire Intermediate and Technical Education Fund.)	30th April, 1894.
County of RADNOR.	The Radnorshire Intermediate and Technical Education Fund. (Including funds under Welsh Intermediate Education Act, 1889, and Local Taxation (Customs and Excise) Act, 1890, and Presteign Grammar School.)	20th Nov., 1894.
County Borough of SWANSEA.	The Swansea Intermediate and Technical Education Fund. (Including funds under Welsh Intermediate Education Act, 1889, and Local Taxation (Customs and Excise) Act, 1890, and Free Grammar School, Swansea.)	18th July, 1894.

County or County Borough.	Title given by Scheme to Payments or Endowments dealt with.	Date of Approval of Scheme.
Counties in WALES, and County of MONMOUTH.	The Central Welsh Intermediate Education Fund. (Including funds contributed by County Governing Bodies established by schemes made under the Welsh Intermediate Education Act, 1889, and funds provided by Parliament.)	13th May, 1896.

PART IV.

FINANCE.

CHAPTER I.

INCOME.

SECT. I.—INCOME FOR ELEMENTARY EDUCATION PURPOSES.

THE possible sources of income for elementary education purposes are as follows:—

(1) Annual grants.
(2) School fees and contributions.
(3) Endowments.
(4) Rates.

All receipts to be paid to local education authority (E. Act, 1902, s. 18 (2)).

These are dealt with below in the above order, but before doing so it should be pointed out that all receipts in respect of any school maintained by a local education authority, including any parliamentary grant, but excluding sums specially applicable for purposes for which provision is to be made by the managers, are to be paid to that authority.

"**Any School Maintained by a Local Education Authority.**"—This of course includes non-provided schools, the local education authority being liable to maintain *all* public elementary schools (see p. 21), subject in the case of non-provided schools to the compliance of the managers with certain conditions and provisions (see pp. 88—92).

"**Parliamentary Grant.**"—*Vide infra.*

"**Sums Specially Applicable for Purposes for which Provision is to be made by the Managers.**"—This refers to managers of non-provided schools. Such sums would include (a) the rent of the teacher's dwelling-house, see pp. 90, 91;

(b) endowments or portions thereof (see p. 195); (c) fees where charged (see p. 137); (d) subscriptions.

The purposes for which the managers have to make provision are (a) repairs of school-house (see p. 91); (b) rent, if any, payable to the owner of the school (see p. 90); (c) damage caused to school furniture out of school hours (see p. 92); (d) expenses of putting room in proper condition for school purposes (see p. 92); liability for taxes, and rates in respect of the teacher's dwelling-house only (Voluntary Schools Act, 1897, s. 3), p. 259.

§ 1.—*Government Grants.*

(a) *Annual Parliamentary Grant.*

This grant is made up of the several grants which, with their amounts, are enumerated in the day school code (D. S. Code, 1903, Art. 95), p. 652.

In order to obtain this grant the conditions set forth in that code, commencing with Art. 76, see p. 648, must be fulfilled to the satisfaction of the Board of Education, whose decision is final and conclusive in the matter (Art. 76, D. S. Code, 1903). It must also be maintained under and comply with the provisions of sect. 7 of the E. Act, 1902 (E. Act, 1902, s. 7 (4)).

No school is placed on the annual grant list until an application has been addressed to the Secretary of the Board of Education, Whitehall, London, S.W., and a form of preliminary statement has been filled up and sent to the Board by the managers (Art. 19, D. S. Code, 1903), p. 638.

The Board employs inspectors to visit schools to inquire whether those conditions have been fulfilled and to report to the Board (Art. 18, D. S. Code, 1903), p. 638.

Before placing a school on the "annual grant list" the Board ascertain as far as possible whether these conditions are fulfilled, and if any one of them is clearly not satisfied the inspector is not instructed to visit the school (Art. 76, D. S. Code, 1903), p. 648.

The grant becomes payable on the first day of the month following the end of the school year. The school year being

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the year or other period for which an annual parliamentary grant is for the time being paid or payable under the code.

See letter of Board of Education as to payment in the case of financial difficulties, p. 438; and also Circular of the Board as to date of payment of instalments, p. 439.

Grants to schools for small populations (E. E. Act, 1876, s. 19). E. Code (1890) Act, 1890, s. 2 (1). E. Act, 1902, Sch. III. (1).

Should :—

(1) The population of the parish (*a*) in which the school is situate, or the population within two miles measured according to the nearest road from the school, not exceed in each case the numbers as stated below ; and

(2) There be no other school recognised by the Board of Education as available for that parish or population ;

then, on the recommendation of their inspector, the Board of Education may make the following grants:—

(a) Where the population does not exceed 200, 15*l.*

(b) Where it exceeds 200 but is less than 300, 10*l.*

(c) Where it does not exceed 500, *and* the Board are satisfied that the school staff is sufficient, 10*l.*

Sufficient School Staff.—In this connection :

The principal teacher is considered to be sufficient for an average attendance of forty scholars.

An additional certificated teacher for forty scholars.

An assistant teacher for thirty scholars.

A pupil, additional, or provisional assistant teacher for twenty scholars.

A probationer for ten scholars.

This grant will, as a rule, be reduced by one-twelfth for any month during which the staff has not satisfied the above requirements subject to the provisions of Arts. 74, p. 648, and 82 (c), p. 649, of the Code as to vacancies in the course of a school year.

With regard to the above grants, it is to be noted that (c) is payable in all cases where the population is less than 500, but only provided the necessary conditions co-exist, and that it is payable in addition to all other grants including (a) or (b) where the circumstances are such that one of them is also payable. (a) and (b) are, where payable, to be additional to all other grants. Grants (a), (b), and (c) are not calculated on the average attendance (Day School Code. 1903, Arts. 104 and 105), p. 658.

(*a*) For "parish," "school district" is to be read (E. E. Act, 1870, ss. 4 and 10) in the case of areas where the E. Act, 1902, is not operative.

Where required for the purpose of:

(1) Bringing the accounts of a school to a close before the end of the financial year of the school; or

(2) Meeting any change consequent on the E. Act, 1902;

the Board of Education may calculate and pay at such times and in such manner as they think fit any parliamentary grant in respect of any month or other period less than a year.

Transitory provisions as to parliamentary grant (E. Act, 1902, Sch. II. (11)).

Any parliamentary grant payable to a public elementary school not provided by a school board in respect of a period before the appointed day is to be paid:

(*Ibid.*) Sch. II. (12).

(1) To the persons who were managers of the school immediately before that day and applied by them in payment of the outstanding liabilities on account of the school;

(2) So far as not required for the above purpose such grant is to be paid to the persons who are managers of the school under the E. Act, 1902, who are to apply it:

(a) For the purposes for which provision is to be made by them under the E. Act, 1902: or

(b) For the benefit of any general fund applicable for those purposes.

But the Board of Education may, if they think fit, pay any share of the aid grant under the Voluntary Schools Act, 1897, allotted to an association of voluntary schools, to the governing body of that association, if such governing body satisfy the Board of Education that proper arrangements have been made for the application of any sum so paid (*a*).

"**Appointed Day.**"—That is 26th March, 1903, or such other day, not being more than eigtheen months later, as the Board of Education may appoint; different days may be appointed for different purposes and for different provisions of the Act and for different councils (E. Act, 1902 (2 Edw. VII. c. 42), s. 26). See also p. 5, n.

"**Managers of the School under the E. Act, 1902.**"—As to who are to be managers in non-provided schools under the Act, see p. 79.

"**For the Purposes for which Provision is to be made by them.**"—As to this see p. 120.

"**Any General Fund.**"—It has been suggested that the governing bodies of voluntary school associations should administer

(*a*) See Circular of Board of Education, p. 425.

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such fund, the nucleus of which should be the amount of the aid grant under the Voluntary Schools Act due to the managers. See Circular of Board of Education, p. 425.

"**Aid Grant under the Voluntary Schools Act, 1897.**"—Such aid grant is now abolished (see p. 134).

"**Association of Voluntary Schools.**"—For a list of such associations, see p. 448.

"**To the Governing Body.**"—Not to the schools in each association as heretofore.

Should any adjustment be required, sect. 68 of L. G. Act, 1894 (see p. 8), is to apply. E. Act, 1902 (2 Edw. VII. c. 42, Sch. II. (22)).

(b) *Grants on Account of Blind and Deaf Children.*

E. E. (B. & D. Children) Act, 1893, s. 12.

In the case of such children grants are made as follows:

Minute of Committee of Council on Education, 2nd April, 1894.

For each blind or deaf child who has attended a certified school for not less than one month during the school year, grants may be allowed for each complete month of attendance:

(a) At the rate of 3*l.* 3*s.* a year if such child has received with due regularity efficient elementary education other than manual instruction or industrial training, and his attainments are found to be satisfactory, regard being had to his necessary disqualifications.

(b) At the rate of 2*l.* 2*s.* a year if such child has received with due regularity satisfactory instruction and made satisfactory progress in some course of manual instruction or industrial training approved by the Department.

Provided that all returns called for by the Department are duly made by the managers.

The term "certified school" means a school certified under sect. 2 of the E. E. (Blind and Deaf Children) Act, 1893.

Grants under this minute are not paid for any child in respect of any period for which grants are paid for the same child under the Code of Minutes of the Department in force for the time being with respect to the payment of the Parliamentary grant to public elementary schools.

(c) *Grants on Account of Defective and Epileptic Children.*

E. E. (D. & E. Children) Act, 1899, s. 7.

In the case of such children, where the necessary conditions are complied with (as to which see p. 492), grants will be paid

annually at the following rates for each unit of average attendance :—

Minute of Committee of Council on Education, 26th Feb., 1900.

For instruction other than manual instruction, 50*s*.

For manual instruction of younger children, 30*s*.; older children, 40*s*.

For each complete tenth of a unit of average attendance a tenth of the above grants will be paid.

These grants are in lieu of the annual grants (*vide supra*) and the fee grant (*vide infra*), payable to ordinary public elementary schools. (Sects. I. (16), II. (11), III. (12) of the Minute (pp. 495, 498, 499).)

"**Unit of Average Attendance.**"—The "average attendance" in any period is found by dividing the total number of "attendances" made during that period by the number of times for which the school has met during the period (D. S. Code, 1903, Art. 14), p. 636.

The minimum time of attendance is attendance at secular instruction for an hour and a-half; time spent in recreation or registration must not be included in the minimum period of an hour and a-half (Minute of 26th February, 1900, I. (13), p. 494).

(d) *Grants in Respect of Certified Industrial Schools.*

Industrial Schools Act, 1866, s. 35.

In the case of certified industrial schools the Commissioners of the Treasury may from time to time contribute out of money provided by Parliament for the purpose such sum as the Home Secretary from time to time thinks fit to recommend towards the custody and maintenance of children detained in such schools; but such contributions are not to exceed 2*s*. per head per week for children detained on the application of their parents, step-parents, or guardians. (See sect. 16 of the Act).

The Treasury allowances have been fixed as under :—

Treasury allowances to industrial schools.

Recitals A, B, C, D, E, F, G. Recital L.

		Per Week. *s.*	*d.*
	To Training Ships, for each child	6	0
1. Ordinary cases, s. 14, s. 15.	Ordinary Industrial Schools established prior to 1st March, 1872	5	0
	Ordinary Industrial Schools established subsequent to 1st March, 1872	3	6
2. For children committed to industrial school or ship under sect. 12, the original proceedings having been taken under sub-sect. 2 of sect. 11. of E. E. Act, 1876		3	6

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		Per Week. s. d.
	3. For children sent under sect. 28, Order in Council, 20th March, 1877:	
	If sent to the day industrial school under clauses A, B, C and F of the schedule of the Order in Council	3 6
	If sent under clauses D and E	2 0
Recital H.	4. For incorrigible children committed under sect. 16 of Industrial School Act, 1866, beyond the control of their parents	2 0
Recital K.	5. For children committed under sect. 12, the original proceedings having been taken under sub-sect. 1 of sect. 11 of E. E. Act, 1876	2 0
	6. All the rates over 2*s.* a week are subject to reduction to 3*s.* (1) while the children are under ten years of age, or (2) when they shall have attained the age of fifteen years, provided they have been under detention four years	3 0
	7. For *Inmates* who having attained to Standard V. are allowed to work out all day, where the ordinary grant is 5*s.*, 3*s.* 6*d.* or 3*s.* (sect. 16 and sub-sect. 1 to remain at 2*s.*)	2 6
Recital I.	8. No allowance is made by Treasury for (1) children under six years of age, or (2) for children sent from workhouses at the instance of the guardians under sect. 17 of Industrial School Act, 1866	Nil.
	9. To day industrial schools the total allowance from Treasury does not exceed 1*s.* a week per head; 10*s.* a quarter being allowed for maintenance, and the remainder depending on the education and good organisation of the school.	

Reformatory and Industrial Schools Office,
1*st October*, 1894. Great Scotland Yard, London, S.W.

N.B.—The usual grant is allowed for three whole days holiday taken in the year in the case of land schools, and four days in the case of ships; any further absence on this ground must not be charged.

The grant is also allowed for children sent temporarily to hospital in cases where there is a *bonâ fide* weekly charge, but if an absence of over three months is necessary the special sanction of the Secretary of State must be obtained.

(e) *Grants in respect of Certified Day Industrial Schools.*

E. E. Act, 1876, s. 16 (2).

In the case of certified day industrial schools there may be contributed out of moneys provided by Parliament:

(a) In the case of children sent by an order of a court other

than an order of attendance made under the E. E. Act, 1876, towards the custody, industrial training, elementary education, and meals of such children, such sums not exceeding 1*s.* per head per week, and on such conditions as the Secretary of State from time to time recommends.

In the case of a child received into such a school under an *attendance order* or *without an order of a court*, such sum not exceeding 6*d.* a week, and on such conditions as a Secretary of State from time to time recommends. *Ibid.*, s. 16 (4).

The following recommendations are now in force :— Recommendations of Home Secretary as to parliamentary grant, 9th May, 1892.

Whereas it is enacted by the 16th and 17th secs. of the E. E. Act, 1876, as follows :

There may be contributed out of moneys provided by Parliament towards the custody, industrial training, elementary education, and meals of children sent by an order of a court other than an attendance order under this Act to a certified day industrial school such sum, not exceeding 1*s.* per head per week, and on such conditions as a Secretary of State from time to time recommends.

* * * * *

The managers of a certified day industrial school may, upon the request of a local authority and of the parent of a child, and upon the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child such sum, not less than 1*s.* a week as a Secretary of State from time to time fixes, receive such child into the school under an attendance order or without an order of a court; and there may be contributed out of moneys provided by Parliament in respect of that child such sum not exceeding 6*d.* a week and on such conditions as a Secretary of State from time to time recommends.

* * * * *

The conditions of a parliamentary contribution to a certified day industrial school, to be recommended by the Secretary of State, shall provide for the examination of the children according to the standards of proficiency for the time being in force for the purposes of a parliamentary grant to public elementary schools, but may vary the amounts of the contributions to be made in respect of such standards respectively.

Any conditions recommended by a Secretary of State for the purposes of contributions to a day industrial school shall be laid before Parliament in the same manner as Minutes of the Education Department relating to the annual parliamentary grant.

Now, in pursuance of the said Act, I, the Right Honourable Henry Matthews, one of Her Majesty's Principal Secretaries of State, hereby recommend that the sums to be contributed out

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of moneys provided by Parliament (hereinafter called the grant) to the managers of any certified day industrial school, in respect of children attending the same under orders of detention, attendance orders, or without any order of court, shall be such sums, and shall be paid on such conditions, as are hereinafter respectively set forth.

I. No grant shall be made except on a report of the inspector showing that the conditions of the grant have been fulfilled. The inspector may delegate to an assistant the duty of examining the attendance and proficiency of the children.

II. The principal teacher of the school shall be approved by the inspector of certified day industrial schools.

III. The grant shall be payable in part quarterly for attendance, in part annually for proficiency, and for the discipline and organisation of the school.

IV. For the purpose of so much of the grant as is payable annually, the year is reckoned as ending with the last day (inclusive) of the month preceding that fixed for the inspector's annual visit; and for the purpose of so much of the grant as is payable quarterly, the quarter is reckoned as ending on 31st March, 30th June, 30th September, and 31st December, as the case may be.

V. With respect to so much of the grant as is payable for attendance, the managers may at the end of each quarter claim:—

	s.	*d.*
(a) For each child attending under an order of detention according to the average number of such children in attendance throughout the quarter - - -	10	0
(b) For each child attending otherwise than under an order of detention according to the average number of such children in attendance throughout the quarter	5	0

VI. With respect to so much of the grant as is payable for proficiency, the managers at the end of the year may claim as follows:—

(a) As to infants, *i.e.*, children who at the end of each quarter have not completed seven years of age:—

	Sum which may be claimed for each Infant attending the School, according to the Average Number of such Children in Attendance during the Year.	
	If the Infant attending under an Order of Detention.	If the Infant is attending otherwise than under an Order of Detention.
If the infants are taught suitably to their age, and so as not to interfere with the instruction of the older children . . .	8*s.*	4*s.*

b) As to children (not being infants) attending under Orders of Detention.

Subject of Examination.	Sum which may be claimed for each such Child attending the School, according to the Average Number of such Children in Attendance during the Year.
For proficiency in reading writing and arithmetic . .	A principal grant of 6*s*
For special subjects .	

(c) As to children (not being infants) attending otherwise than under an Order of Detention:—

Subject of Examination.	Sum which may be claimed for each such Child attending the School, according to the Average Number of such Children in Attendance during the Year.
For proficiency in reading, writing and arithmetic . . .	A principal grant of 3*s*.
For special subjects . .	

Provided that—

(1.) The test of proficiency in each standard applied at the annual inspection in each year be satisfactory to the inspector.

(2.) The children shall be examined according to the standards of proficiency in reading, writing, and elementary arithmetic, for the time being in force for the purposes of the parliamentary grant in public elementary schools.

(3.) No child attending the school shall be withheld from examination on the day of the inspector's visit without reasonable excuse for absence.

(4.) The children shall be presented for examination in any standard the managers think fit, but no child shall be presented—

(i.) Under any standard which he has already passed in the same school or in any other certified efficient school;

(ii.) Under any lower standard;

(iii.) Under the same standard in which he has been before presented at the same school, unless he failed altogether or passed in only one subject in such standard.

(5.) The children shall be advanced, as a rule, not less than one standard in twelve months. All exceptions should be specially notified and explained to the inspector, who will determine whether the explanation justifies the exception.

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(6.) *Special Subjects:*—

A grant of one shilling or sixpence for children attending otherwise than under an order of detention, will be made for each child attending the school according to the average number of such children in attendance during the year—

(i.) For recitation.

(ii.) For elementary geography or grammar. Provided that the children satisfy the inspector in these subjects according to a scheme for the succeeding year to be submitted to and approved of by the inspector at his annual visit.

VII. With respect to so much of the grant as is payable for the discipline and organization of the school, if the inspector reports that the discipline and organization are satisfactory, the managers may at the end of the year claim:—

	s.	*d.*
(a) For each child attending under an order of detention according to the average number of such children in attendance throughout the year	4	0
(b) For each child attending otherwise than under an order of detention according to the average number of such children in attendance throughout the year .	2	0

Calculation of Attendance.

VIII. For obtaining the grant for attendance under Rule V. and Rule VII., the average number is found by adding together the attendances of all the children for any period, and dividing the sum by the number of times the school has been open for daily instruction for the same period; the quotient being the average number in attendance.

IX. The attendance of a child at the school on any day shall not be reckoned unless such attendance includes three hours of secular instruction.

X. If some unforeseen cause (such as a continued epidemic) make it impossible for the inspector to visit the school for the purpose of making his annual report thereon, such sum, not exceeding the sum payable according to the rates herein-before recommended, shall be payable to the managers for the proficiency of the children, and for the discipline and organization of the school, as under the circumstances the Secretary of State may deem just.

XI. The school must be efficient. A school or class is regarded as satisfying this rule, unless the inspector at his annual visit report the school or class to be inefficient, and state the ground of such judgment. In this case formal warning must be given that the grant may be withheld under this rule at the next annual inspection, if the inspector again report the school or class to be inefficient.

If the inspector at his next annual visit again report the school or class to be inefficient, and give just grounds for his judgment, the grant may be withheld under the provisions of this rule.

XII. The recommendations made by the Secretary of State on the 18th day of April, 1891(*a*), are hereby withdrawn and the above substituted for them.

(Signed) HENRY MATTHEWS.

HOME OFFICE, WHITEHALL,
May 9, 1892.

(f) *The Fee Grant* (*b*).

This grant consists of a sum of 10*s*. a year, payable in respect of each child of the number of children over three and under fifteen years of age in average attendance at any public elementary school, whether provided by the local education authority or not if :— E. E. Act, 1891, sect. 1.

(i.) The managers are willing to receive the grant ; and

(ii.) The regulations of the school as to fees are to the satisfaction of the Board of Education, in accordance with the conditions (*infra* 132) ; and

(iii.) The school is not an evening school.

"**In Average Attendance.**"—The average attendance is to be calculated in accordance with the minutes of the Board of Education in force for the time being in respect of public elementary schools (63 & 64 Vict. c. 53, s. 1). Accordingly the average attendance for any period is found by dividing the total number of "attendances" made during that period by the number of times for which the school has met during such period (D. S. Code, 1903, Art. 14).

"**Public Elementary School.**"—See p. 21. The departments of a school may be treated together as one or separately, as the managers decide.

"**The Managers are Willing.**"—As to managers see p. 78. The acceptance of the grant is optional on the part of the managers. Their refusal to accept the grant from the date at which the Act came into force (September 1st, 1891) is not a bar to their subsequently accepting it, and where they have agreed to accept the grant, it appears to be open to them to discontinue the arrangement and to make the school a fee paying school if they deem this course desirable.

(*a*) See Parliamentary Paper 220, of Session 1890—91.

(*b*) See Letter of Board of Education, p. 438, as to acceleration of payment.

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"**Evening School.**"—By E. Act, 1902, s. 22 (1), the expression "elementary school," both in that Act and the E. E. Acts, is not to include any school carried on as an evening school under the regulations of the Board of Education.

Conditions under which fees cannot be charged where "fee grant" accepted (E. E. Act, 1891, s. 2 (1) (a)).

I. No fees *for instruction* can be charged for children over three and under fifteen years of age where :—

(a) The average rate of fees received during the school year ended last before the 1st January, 1891, was not in excess of 10*s.* a year for each child of the number of children in average attendance at the school ; or

(b) No Parliamentary annual grant fell due to the school before 1st January, 1891, or in other words, where the school had not by that date completed its first "school year."

E. E. Act, 1891, s. 3.

II. No charge of *any* kind can be made :

(c) Where the average rate charged and received in respect of fees and books and for other purposes, during the school year ended last before 1st January, 1891, was not in excess of 10*s.* a year for each child of the number of children in average attendance at the school. Where, however, the average rate so charged and received was in excess of 10*s.*, the acceptance of the fee grant will not restrict the liberty of managers to charge a reasonable sum for books and other school requisites, provided such charges are kept distinct from school fees, which are payments in respect of the instruction (sect. 3, E. E. Act, 1870).

"**School Year.**"—The year or other period for which an annual Parliamentary grant is for the time being paid or payable under the D. S. Code (see D. S. Code, 1903, Art. 20, p. 638).

Managers cannot charge a higher fee than the Act allows, on the plea that they provide books or other school requisites gratis, nor can they add the receipt for books, &c., to the school fees, in ascertaining the average rate of fees.

onditions under which fees may be charged though "fee grant" accepted (E. E. Act, 1891, s. 2 2)).

I. Where the average rate received during the school year ending last before 1st January, 1891, was in excess of that mentioned in I., *supra ;* provided the fee to be charged must not render the average rate of fees received for all children

over three and under fifteen years of age greater than the amount of such excess.

For example, if at the given date the average rate of fees received for each child of the number of children in average attendance equalled 15*s.*, the managers receiving the fee grant, cannot charge more than an average rate of 5*s.* a year for all the children between three and fifteen years of age, although in the case of individual children they may charge more or less.

II. The Board of Education may from time to time approve a charge or increase of fees where they are satisfied:— E. E. Act, 1891, s. 4 (1).

(a) That sufficient public school accommodation, without payment of fees, has been provided for the local education authority's area; and

(b) That the charge or increase of school fees for children over three and under fifteen years of age in any particular school receiving the fee grant is required owing to a change of population in the local education authority's area or any part of it, or will be for the educational benefit of the area or any part of it.

The ordinary fee for such children must not exceed 6*d.* a week.

The Board of Education, if they think fit, may make it an express condition of their approval that the amount received for any school year from the fees so charged or increased, or a specified portion of that amount, shall be taken in reduction of the fee grant which would otherwise have been payable for that school year, in which case the fee grant will be reduced accordingly. E. E. Act, 1891, s. 4 (3).

Should there be in any case a failure to comply with any of the above conditions, the Board of Education may still pay the fee grant if satisfied that there was a reasonable excuse for the failure, but in such a case if the amount received from fees has exceeded the amount allowed by the Act a deduction is to be made from the fee grant equal to that excess. (*Ibid.*) s. 1 (2).

"**The Amount Allowed by the Act.**"—As to the amount of fees allowed to be received where the fee grant is accepted, *vide supra.*

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(g) *Aid Grant under Education Act, 1902* (*a*).

E. Act, 1902, s. 10 (1).

This grant takes the place of the Necessitous School Board Grant under E. E. Act, 1870 (33 & 34 Vict. c 75, s. 97), as amended by the E. E. Act, 1897 (60 Vict. c. 16, s. 1), and of the grant for voluntary schools under the Voluntary Schools Act, 1897 (60 Vict. c. 5).

It consists of :—

(a) A fixed annual contribution of 4*s.* per scholar ; and

(b) An additional sum of 1½*d.* per scholar for every complete 2*d.* per scholar by which the amount which could be produced by 1*d.* rate in the area of the local education authority in question falls short of 10*s.* per scholar.

Ibid (2).

In calculating the amounts receivable either in respect of the fixed or additional sum, the number of scholars is to be taken to be the number of scholars in average attendance, as computed by the Board of Education, in public elementary schools maintained by the authority (as to this see p. 125).

"The Necessitous School Board Grant and the Grant for Voluntary Schools."—Both these grants will continue to be payable up to the "Appointed day," and clauses (11) and (12) of Sch. II. of the E. Act, 1902, will apply. *For "Appointed day" see p. 5. For payment of share of Voluntary Schools Aid grant to governing body of a voluntary school association, see p.* 123.

"An additional Sum."—Where the penny rate in any district produces 10*s.* per child, then that district will not participate in the additional sum, but get only the 4*s.* per child in average attendance. But directly a penny rate produces less than 10*s.* per child, that district immediately begins to gain something from the additional part of the grant, and as the penny rate produces less and less the district will receive more and more outside the fixed contribution of 4*s.* per head.

If, for example, as has been stated to be the case in a large part of Oldham, a penny rate only produces 1*s.* 6*d.* per head, that place would not only receive 4*s.*, but would receive in addition 6*s.* 4½*d.*, making a total of 10*s.* 4½*d.* For varying amounts of aid grant see Table, *infra.*

(*a*) For date of payment, see letter of Board of Education, p. 438.

The following Table gives the amount of the new aid grant according to the amount produced by the penny rate :—

Produce of 1*d.* Rate.	Amount of Aid Grant.	Produce of 1*d.* Rate.	Amount of Aid Grant.	Produce of 1*d.* Rate.	Amount of Aid Grant.	Produce of 1*d.* Rate.	Amount of Aid Grant.
s. *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s* *d.*
9 10	4 1½	7 4	6 0	4 10	7 10½	2 4	9 9
9 8	4 3	7 2	6 1½	4 8	8 0	2 2	9 10½
9 6	4 4½	7 0	6 3	4 6	8 1½	2 0	10 0
9 4	4 6	6 10	6 4½	4 4	8 3	1 10	10 1½
9 2	4 7½	6 8	6 6	4 2	8 4½	1 8	10 3
9 0	4 9	6 6	6 7½	4 0	8 6	1 6	10 4½
8 10	4 10½	6 4	6 9	3 10	8 7½	1 4	10 6
8 8	5 0	6 2	6 10½	3 8	8 9	1 2	10 7½
8 6	5 1½	6 0	7 0	3 6	8 10½	1 0	10 9
8 4	5 3	5 10	7 1½	3 4	9 0	0 10	10 10½
8 2	5 4½	5 8	7 3	3 2	9 1½	0 8	11 0
8 0	5 6	5 6	7 4½	3 0	9 3	0 6	11 1½
7 10	5 7½	5 4	7 6	2 10	9 4½	0 4	11 3
7 8	5 9	5 2	7 7½	2 8	9 6	0 2	11 4½
7 6	5 10½	5 0	7 9	2 6	9 7½	—	11 6

The aid grant being payable only in respect of scholars in public elementary schools would appear not to be payable in respect of certified schools and classes under the E. E. (B. and D. Children) Act, 1893, and E. E. (D. and E. Children) Act, 1899: such schools only being treated as public elementary schools for the purposes of sect. 11 of the E. E. Act, 1876. See sects. 7 and 5 of those Acts respectively.

"Amount which could be Produced by 1d. Rate." —In estimating the produce of a 1*d.* rate in the area of a local education authority not being a county borough, the rate is to be calculated on the county rate basis, which, in cases where part only of a parish is situated in the area of the authority is to be apportioned in such manner as the Board of Education think just (E. Act, 1902, s. 10 (1) (6). "*County Rate Basis*," *see p.* 148. The amount which could be produced by any rate in the £ is to be estimated in accordance with regulations of the Local Government Board (E. Act, 1902, s. 23 (4)).

Reduction of Parliamentary grants. E. Act, 1902, s. 10 (1) (6).

If in any year the total amount of Parliamentary grants payable to a local education authority would make the amount payable out of other sources by that authority, on account of their expenses in respect of elementary education, less than the amount which would be produced by a rate of 3*d.* in the £, the Parliamentary grants are to be decreased, and the amount

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payable out of other sources is to be increased by a sum equal in each case to half the difference.

Thus, suppose the total expenses in respect of elementary education to amount in an area to £3,000, and the total amount of the Parliamentary grant to £2,000, making "the amount payable out of other sources" £1,000; and further suppose that the amount which would be produced by a rate of 3*d.* in the £ works out at £1,500. In such a case "the amount payable out of other sources" viz., £1,000, will be less than the produce of the 3*d.* rate, viz., £1,500, the difference being £500. Accordingly the Parliamentary grant of £2,000 will be decreased by £250, "half the difference," to £1,750, "the amount payable out of other sources," viz. £1,000, correspondingly increased to £1,250.

§ 2.—*School Fees and Contributions.*

(a) *School Fees.*

Power of local education authority to charge fees (E. E. Act, 1870, s. 17).

The local education authority have power, with the consent of the Board of Education, to prescribe the payment of a weekly fee by every child attending a school provided by them.

Such fee must not, however, in so far as it represents "ordinary payments in respect of instruction," exceed 9*d.* per week from each scholar.

It is further to be remembered that the local education authority are bound to provide a sufficient amount of "public school accommodation" without payment of fee in every part of their area (see p. 24), and that where the "fee grant" is accepted fees cannot, with certain exceptions, be charged. (See p. 132.)

"**Ordinary Payment.**"—See D. S. C., 1903, Art. 3, p. 633.

Payment of school fees by occupiers of factories (Factory and Workshop Act, 1901, s. 70).

The persons who manage a recognised efficient school attended by a child employed in a factory or workshop, or some person authorised by them, may (if fees for children may be charged in that school) apply in writing to the occupier of the factory or workshop to pay a weekly sum specified in the application, not exceeding 3*d.* and not exceeding one-twelfth part of the wages of the child.

After that application the occupier, so long as he employs the child, is liable to pay to the applicants, while the child

attends their school, that weekly sum. Such sum may be recovered as a debt, and the occupier may deduct the sum so paid by him from the wages payable for the services of the child.

"**Persons who Manage.**"—For managers see 78.

"**Recognised Efficient School.**"—See Factory and Workshop Act, 1901, s. 72 (1), p. 346.

"**If Fee may be Charged.**"—See p. 132.

"**As a Debt.**"—*I.e.*, civilly in the county court, and not summarily under the Act.

Payment of school fees in case of coal mines (Coal Mines Regulation Act, 1887, s. 10).

After a request in writing by the principal teacher of a public elementary school which is attended by any boy or girl employed in or in connection with a mine, the person who pays the wages of the boy or girl must, as long as he employs the boy or girl, pay to the principal teacher of that school, for every week that the boy or girl attends the school, the weekly sum specified in the application, not exceeding 2*d.* per week, and not exceeding one-twelfth part of the wages of the boy or girl, and may deduct the sum so paid from the wages payable for the services of the boy or girl. (See p. 70.)

Ibid (2).

Should any person after such application refuse to pay on demand any sum that becomes due, he will be liable to a penalty not exceeding 10*s.*, which is recoverable in manner directed by the Summary Jurisdiction Acts before a court of summary jurisdiction. (*Ibid.*)

For proceedings under the Summary Jurisdiction Acts see p. 44.

Apportionment of school fees between local education authority and managers (E. Act, 1902, s. 14).

Where before the passing of the E. Act, 1902, fees have been charged in any public elementary school not provided by the local education authority, that authority while they continue to charge fees in respect of that school are to pay such proportion of them as may be agreed upon, or in default of agreement, determined by the Board of Education, to the managers.

"**Public Elementary School.**"—See p. 21.

"**Not Provided by the Local Education Authority.**"—As to what schools are to be deemed to be provided by the local education authority, see p. 22.

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"**To Charge Fees.**"—Subject to their having to supply a sufficient amount of "public school accommodation" free of charge (see p. 24), and to their being forbidden save in certain cases to charge fees where the fee grant is accepted (see p. 132), the local education authority may at their option continue or cease to charge fees.

Remission of fees (E. E. Act, 1891, s. 8). E. E. Act, 1870, s. 17.

The local education authority have in all cases the power to admit children without charging a fee, and where they are of opinion that the parent of a child is unable through poverty to pay the prescribed fee, they may from time to time for a renewable period not exceeding six months remit the whole or any part of such fee.

Such remission is not to be deemed parochial relief given to the parent.

Punishment for fraudulently obtaining certificates, &c. (E. E. Act, 1876, s. 37; E. E. Act, 1873, s. 25.

Any person who fraudulently obtains, or enables or procures another person to obtain, from a local education authority remission of payment, or any order for remission of payment of fees, is liable on summary conviction to imprisonment for a period not exceeding fourteen days.

"**Summary Conviction.**"—See p. 44.

Payment of school fees by guardians (E. E. Act, 1876, s. 10).

The local education authority have no power to pay the fee of children; that can only be done by the guardians as follows:—

Non-pauper Cases.

(i.) In such cases the parent of any child who is unable by reason of poverty to pay the ordinary fee for such a child at a public elementary school, or any part of such fee, may apply to the guardians having jurisdiction in the parish in which the applicant resides; and

(ii.) The guardians if satisfied of such inability must pay the fee, not exceeding 3*d.* a week, or such part thereof as the parent, in their opinion, is unable to pay.

Any such payment is not:—

(i.) To deprive the parent of any franchise right or privilege or subject him to any disability or disqualification; nor

(ii.) To be made on condition of the child attending any public elementary school other than such as may be selected by the parent; nor

(iii.) To be refused because the child attends, or does not attend, any particular public elementary school.

"**Parent.**"—This includes guardian and every person who is liable to maintain or has the actual custody of any child. See E. E. Act, 1870, s. 3, and E. E. Act, 1876, s. 48.

"**Child.**"—A child between the ages of five and fourteen (E. E. Act, 1876, s. 48).

"**Ordinary Fee.**"—For what this means see D. S. Code, 1903, Art. 3, p. 633.

"**Guardians having Jurisdiction.**"—That will be the board of guardians of the union in which the parish of the applicant is situate, to which board or to the relief committee (if any) appointed by them the application must be made.

By regulations of the Local Government Board issued under the 34th section of the E. E. Act, 1876, guardians were empowered to appoint "inquiry officers" to discharge certain duties with reference to the above applications. Sect. 34 of the Act of 1876 is, however, now repealed by the E. Act, 1902, Sch. IV., and necessarily the regulations issued under it fall with it. It would seem, therefore, that no such officers can be appointed in the future.

Charge to parish of money for school fees (E. E. Act, 1876, s. 35;

Money given for the payment of school fees in the above cases shall be charged by the guardians having jurisdiction in the parish of the applicant to such parish with other parochial charges.

Pauper Cases.

E. E. Act, 1876, s. 40; E. E. Act, 1880, s. 5).

Where outdoor relief is given by the guardians or their order by way of weekly or other continuing allowance to the parent of any child above the age of five years, or to such child itself, it is the duty of the guardians to impose as a condition for the continuance of such relief that the child shall attend school in accordance with the terms of the bye-laws in force in the area of the local education authority in which the child resides.

Further, should a fee be payable by the child, the guardians are to give such further relief (if any) as may be necessary to pay the ordinary fee payable at that school. Such relief is not to be granted on condition of the child attending any public elementary school other than such as may be selected by the parent, nor refused because the child attends or does not attend any particular elementary school.

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"**Outdoor Relief . . . Further Relief.**"—Such relief is to be deemed relief within the meaning of the Acts relating to the relief of the poor, and is to be paid out of the common fund.

"**Parent . . . Child.**"—*Vide supra*, 139.

"**In Accordance with the Terms of the Bye-laws in Force.**"—This does not apply where there is no bye-law in force within the area (E. E. Act, 1880, s. 5), but as such a case is virtually impossible, it has not been thought necessary to set out here the provisions of sect. 40 of the E. E. Act, 1876, which would then apply. The section will be found at p. 240.

"**Ordinary Fee.**"—For what this means, *vide supra*. The guardians have no power to give any relief to a parent in order to enable such parent to pay more than the ordinary fee payable at the school which he selects, ormore than 3*d*. per week.

(b) *Contributions.*

E. E. Act, 1900, s. 2.

(1) By Guardians.

The guardians of any poor law union may contribute towards such of the expenses of providing, enlarging, or maintaining any public elementary school as are certified by the Board of Education to have been incurred wholly or partly in respect of scholars taught at the school who are either:

(a) Resident in a workhouse or institution to which they have been sent by the guardians; or

(b) Boarded out by the guardians.

E. E. (D. & E. Children) Act, 1899, s. 9.

Similar contributions may be made by the guardians in the case of certified special classes or schools for the education of defective and epileptic children. See also p. 32.

(2) By Parents.

In the case of child sent to industrial school under E. E. Act, 1876, s. 12; I. S. Act, 1866, ss. 39, 40, 51.

Where a child is sent by order of a Court of Summary Jurisdiction to a certified industrial school for non-compliance with an attendance order (see p. 50), the parent, step-parent or other person for the time being legally liable to maintain the child, if of sufficient ability, must contribute to his maintenance and training a sum not exceeding 5*s*. per week.

Should failure in payment occur, any two justices or a magistrate having jurisdiction where the person liable resides,

may make an order on him for payment, and such order may be enforced under the Summary Jurisdiction Acts.

In case of child sent to day industrial school under E. E. Act, 1876, ss. 12, 16 (3).

Where a child is sent under similar circumstances to a certified *day* industrial school, his parent, if liable to maintain him, is bound to contribute to his industrial training, elementary education, and meals in the school, such sum not exceeding 2*s.* per week as is named in the order, and any sum so paid is to be paid over to the local education authority in aid of their expenses under the Elementary Education Act, 1876.

The local education authority are bound to obtain and enforce such order, and if a parent resident in any parish is unable to pay the sum so ordered, he is to apply to the board of guardians of the union in which such parish is situate; and they, if satisfied of his inability, are to give him sufficient to pay the sum, or so much of it as they consider him unable to pay, and the money so given is to be charged to the parish where the parent resides.

In case of child sent to day industrial school under attendance order or without an order (E. E. Act, 1876, s. 16 (4)).

Where, upon the request of the local education authority and the parent, a child is admitted by the managers to a certified day industrial school under an attendance order or without any order (see pp. 50, 52), the parent must undertake to pay towards the industrial training, elementary education, and meals of such child, such sum as may be agreed upon between the parent of the child and the managers being not less than 1*s.* nor more than 2*s.* per week (Regulations of Secretary of State, 4th January, 1878).

In the case of blind and deaf, defective and epileptic children (E. E. (B. & D. Children) Act, 1893, s. 9; E. E. (D. & E. Children) Act, s. 8).

Where a local education authority incur any expenses in respect of enabling blind and deaf (see p. 28) or defective and epileptic children (see p. 30) to obtain efficient and suitable education, the parent is liable to contribute towards the expenses of the child such weekly sum, if any, as, regard being had to the Elementary Education Act, 1891, may be either:

(a) Agreed upon between the local education authority and the parent; *or failing such agreement*

(b) Settled on the application of either party by a Court of Summary Jurisdiction.

The sum so agreed on or settled is recoverable summarily as

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a civil debt, but without prejudice to any other remedy, and may be applied by the local education authority in aid of their general expenses.

"**Expenses of the Child.**"—Include the expenses:—

(i) Of and incidental to the attendance of a child at school; and

(ii) Of and incidental to the maintenance and boarding out of the child while so attending.

(iii) Of conveying the child to and from school (E. E. (Blind & Deaf Children) Act, 1893 (s. 15); E. E. (Defective & Epileptic Children) Act, 1899 (s. 14)).

"**The Parent.**"—This includes guardians and every person who is liable to maintain or has the actual custody of the child. (E. E. Act, 1870 (s. 3); E. E. (Blind & Deaf Children) Act, 1893, s. 15, and E. E. (Defective & Epileptic Children) Act, 1899, s. 14).

The parent is not, by reason of any payment made in respect of the child, to be deprived of any franchise right or privilege, or to be subject to any disability or disqualification.

Nor is any payment to be made on condition of a child attending any certified school other than such as may be reasonably selected by the parent nor refused because the child attends or does not attend any particular certified school (E. E. (Blind & Deaf Children) Act, 1893 (s. 10), E. E. (Defective & Epileptic Children) Act, 1899 (s. 18)).

"**Regard being had to E. E. Act, 1891.**"—This means that the sum is only to include such amount in respect of school fees as the school, if in receipt of the fee grant, may be able to charge under that Act (see p. 132).

"**Court of Summary Jurisdiction.**"—See p. 44.

"**Recoverable summarily as a Civil Debt.**"—See the following sections of the Sumary Jurisdiction Act, 1879:—

Payment by instalments of or security taken for payment of money.

7. A court of summary jurisdiction, by whose conviction or order any sum is adjudged to be paid, may do all or any of the following things; namely,

(1.) Allow time for the payment of the said sum; and

(2.) Direct payment to be made of the said sum by instalments; and

(3.) Direct that the person liable to pay the said sum shall be at liberty to give to the satisfaction of that court, or of such other court of summary jurisdiction, or such person as may be specified by that court, security with or without a surety or sureties for the payment of the said sum or of any instalment thereof, and such security may be given and enforced in manner provided by this Act.

Where a sum is directed to be paid by instalments and default is made in the payment of any one instalment, the same proceedings may be taken as if default had been made in payment of all the instalments then remaining unpaid.

A court of summary jurisdiction directing the payment of a sum or of an instalment of a sum may direct such payment to be made at such time or times, and in such place or places, and to such person or persons, as may be specified by the court; and every person to whom any such sum or instalment is paid, where not the clerk of the court of summary jurisdiction, shall as soon as may be account for and pay over the same to that clerk.

Recovery of civil debts in court of summary jurisdiction.

35. Any sum declared by this Act, or by any future Act, to be a civil debt, which is recoverable summarily, or in respect of the recovery of which jurisdiction is given by such Act to a court of summary jurisdiction, shall be deemed to be a sum for payment of which a court of summary jurisdiction has authority by law to make an order on complaint in pursuance of the Summary Jurisdiction Acts: Provided as follows:

(1.) A warrant shall not be issued for apprehending any person for failing to appear to answer any such complaint; and

(2.) An order made by a court of summary jurisdiction for the payment of any such civil debt as aforesaid or of any instalment thereof, or for the payment of any costs in the matter of any such complaint, whether ordered to be paid by the complainant or defendant, shall not, in default of distress or otherwise, be enforced by imprisonment, unless it be proved to the satisfaction of such court or of any other court of summary jurisdiction for the same county borough or place, that the person making default in payment of such civil debt instalment or costs either has, or has had since the date of the order, the means to pay the sum in respect of which he has made default, and has refused or neglected, or refuses or neglects, to pay the same, and in any such case the court shall have the same power of imprisonment as a county court would for the time being have under the Debtors Act, 1869, for default of payment if such debt had been recovered in that court, but shall not have any greater power.

32 & 33 Vict. c. 62.

Proof of the means of the person making default may be given in such manner as the court to whom application is made for the commitment to prison think just, and for the purposes of such proof the person making default and any witnesses may be summoned and examined on oath according to the rules for the time being in force under this Act in relation to the summoning and examination of witnesses, or if no such rules are in force, to the

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rules for the like purpose made in pursuance of the Employers and Workmen Act, 1875 (*a*).

38 & 39 Vict. c. 90.

(*a*) The following rules made in pursuance of the Employers and Workmen Act, 1875, apply:—

Particulars of claim for civil debt.

19. In the case of a claim for a civil debt recoverable summarily, the particulars of the claim shall, unless embodied in the summons, be annexed to and, if so annexed, shall be deemed part of the summons.

Judgment summons.

20. An order of commitment under section thirty-five of the Summary Jurisdiction Act, 1879, shall not be made unless a summons to appear and be examined on oath (herein-after called a judgment summons) has been served on the judgment debtor.

Service of judgment summons.

21. The judgment summons shall, whenever it is practicable, be served personally on the judgment debtor, but if it is made to appear on oath to a Court of Summary Jurisdiction that prompt personal service is for any reason impracticable, the Court may make such order for substituted or other service as the Court may think just.

Issue and proof of service of judgment summons.

22. A judgment summons may issue although no distress warrant has been applied for and its service, where made out of the jurisdiction of the Court of Summary Jurisdiction issuing the summons, may be proved by affidavit or solemn declaration.

Time of service.

23. A judgment summons shall be served not less than two clear days before the day on which the judgment debtor is required to appear.

Adjournment of hearing of judgment summons.

24. The hearing of a judgment summons may be adjourned from time to time.

Witnesses on judgment summons.

25. Any witness may be summoned to prove the means of the judgment debtor, in the same manner as witnesses are summoned to give evidence on the hearing of a complaint.

Date of order of commitment.

26. An order of commitment made under section thirty-five of the Summary Jurisdiction Act, 1879, shall, on whatever day it is issued, bear date on the day on which it was made.

Payment by judgment debtor.

27. When an order of commitment for non-payment of money is issued, the defendant may, at any time before he is delivered into the custody of the governor of a prison, pay to the officer holding the order the amount indorsed thereon as that on the payment of which he may be discharged, and on receiving that amount the officer shall discharge the defendant, and shall forthwith pay over the amount to the Clerk of the Court of Summary Jurisdiction which made the order.

Discharge of judgment debtor.

28. The sum indorsed on the order of commitment as that on payment of which the prisoner may be discharged may be paid to the clerk of the Court of Summary Jurisdiction from which the commitment order was issued, or to the governor of the prison in whose custody the prisoner is. Where it is paid to the clerk, he shall sign a certificate of the payment, and upon receiving the certificate by post or otherwise the governor of the prison in whose custody the prisoner then is shall forthwith discharge the prisoner. Where it is paid to the governor of the prison, he shall, on payment to him of that amount, with costs sufficient to pay for sending the amount by post office order or otherwise to the Court of Summary Jurisdiction under the order of which the prisoner was committed, sign a certificate of the payment, and discharge the prisoner, and forthwith transmit the sum so received to the clerk of the said court.

29. All costs incurred by the plaintiff in endeavouring to enforce an order shall, unless the Court shall otherwise order be deemed to be due in pursuance of the order, as if it were made under section five of the Debtors Act, 1869.

Costs of plaintiff in enforcing order.

30. The fee for taking a declaration under section forty-one of the Summary Jurisdiction Act, 1879, shall be one shilling.

Fee for taking declaration.

31. The forms in the Schedule hereto, or forms to the like effect, may be used, with such variations as circumstances may require.

Forms.

32. The forms in the Schedule to the Summary Jurisdiction Act, 1848, the Summary Jurisdiction Rules, 1880, with the forms in the Schedule thereto, the Summary Jurisdiction Rules of the 24th of August, 1880, and the Summary Jurisdiction Rule of 1881, are hereby annulled.

Annulment of forms and rules.

(Signed) HERSCHELL, C.

The 16th July, 1886.

§ —*Endowments.*

The E. Act, 1902, in no wise affects endowments, nor the discretion of the trustees in respect of them; but where under the terms of the trust or other provisions affecting an endowment the trust income *must* be applied in whole or in part for those purposes of a public elementary school which are to be now provided for by the local education authority, *e.g.*, teacher's salaries or maintenance in the technical sense in which it is used in sect. 7 of the E. Act, 1902—then such whole or part of the trust income is to be paid over to the local education authority.

E. Act, 1902, s. 13 (1).

"Where under the Terms of the Trust . . . the Income thereof must be Applied for those Purposes . . . for which Provision is to be made by the Local Education Authority." —No difficulty will arise as to the construction of these words where the trust specifically or impliedly directs the whole or part of the income to be applied to what, for shortness, may be called local education authority purposes, nor where, on the other hand, there is a general direction to use the income for the benefit of the school. In the first case the trustees would have no discretion in the matter; in the second, their discretion would be entirely untrammelled. They would indeed, in the second case, be bound by the terms of the trust to use the endowment for the benefit of the school, but if they found some of the school purposes adequately met by the local education authority, then they might use the money in their hands for other purposes for which the local education authority would not be responsible, *e.g.*, for a building fund. Should, however, the trust-deed direct the income to be used for the "maintenance" of the school, then, owing to the employment in sect. 7 (1) of the Act of the word "maintain" in a technical and restricted sense, excluding the upkeep of the

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school buildings, difficulty may be apprehended. It may be contended on one side that "maintenance" corresponds to "benefit," and if so, that the discretion of the trustees is entirely at large; and on the other, that the term is used in the strict technical sense of sect. 7, and that, therefore, the whole or part of the income so directed to be applied must be paid over to the local education authority. Should such a question arise, it would have to be determined by a court of law in proceedings for the interpretation of the terms of the trust, the Board of Education being only authorised to intervene (*infra*) when it is clear that part of the trust income is to be applied to local education authority purposes and only the amount is in dispute.

Board of Education to determine differences as to amount of endowment payable (E. Act, 1902, s. 13 (1)).

Where part only of the trust income must be applied to local education authority purposes, and no direction is contained in the trust as to the amount of such part, then in case of a difference arising between the parties concerned the Board of Education is to determine the amount (*a*). The local education authority may, however, demand a public inquiry, in which case:—

(i.) The Board of Education is to hold an inquiry.

(ii.) Ten days previous notice is to be given of the inquiry to:

(a) The local education authority.

(b) The minor local authority.

(c) The trustees.

(iii.) The local education authority are to bear costs of the inquiry.

"**Public Inquiry.**"—This is to be held in accordance with the provisions of sect. 73, E. E. Act, 1870. See p. 211 (E. Act, 1902 (2 Edw. VII. c. 42), s. 23 (10)).

"**Minor Local Authority.**"—See p. 78.

Endowment money paid to county council to go in aid of parish rates (E. Act, 1902, s. 13 (2)).

Any money arising from an endowment and paid to a county council is:—

(a) To be credited by the council in aid of the rate levied for the purposes of elementary education in the parish or parishes which, in the opinion of the council are served by the school for the purposes of which the sum is paid; or

(b) Paid, if the council so directs, to the overseers of such

(*a*) For directions of Board of Education as to proper procedure, see Memo., p. 428.

parish or parishes in the proportion directed by the council, and applied by the overseers in aid of the poor rate levied in the parish.

"**Rate levied for the purposes of Elementary Education.**"—See as to this rate in case of a county, *infra*.

Qualification of foundation managers alone to be regarded for receipt of endowments (E. Act, 1902, s. (7)).

Where the receipt by a school, or the trustees or managers of a school, of any endowment or other benefit, is, at the time of the passing of the E. Act, 1902 (Dec. 18, 1902), dependent on any qualifications of the managers, the qualification of the foundation managers is alone, in case of question, to be regarded.

"**Foundation Managers.**"—See p. 79, 80.

§ 4.—*Rates.*

(a) *In the case of a County Council.*

E. Act, 1902, s. 18 (1).

The expenses of the local education authority, so far as not otherwise provided for, are to be paid out of the county fund.

Such expenses will apparently be "general expenses" within sect. 68 (2) of the L. G. Act, 1888 (*infra*).

"**The County Fund.**"—As to this, see the following provisions of the L. G. Act, 1888:—

L. G. Act, 1888. Funds of county council.

68.—(1.) All receipts of the county council, whether for general or special county purposes, shall be carried to the county fund, and all payments for general or special county purposes shall be made in the first instance out of that fund.

(2.) In this Act the expression "general county purposes" means all purposes declared by this or any other Act to be general county purposes, and all purposes for contributions to which the county council are for the time being authorised by law to assess the whole area of their administrative county, and the expression "general county account" means the account of the county fund to which the contributions so raised are carried, and any costs incurred for a general county purpose shall be general expenses, and all costs incurred by the county council in the execution of their duties which are not by law made special expenses shall be general expenses.

(3.) In this Act the expression "special county purposes" means any purposes from contribution to which any portion of the county is for the time being exempt, and also includes any purposes where the expenditure involved is by law restricted to a hundred, division, or other limited part of the county, and the expression "special county account" means any account of the

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county fund to which contributions for special county purposes are carried, and any costs incurred for a special county purpose shall be special expenses.

(4.) If the moneys standing to the general county account of the county fund are insufficient to meet the expenditure for general county purposes, county contributions may be levied to meet the deficiency on the whole administrative county, and shall be assessed on all the parishes in the county.

(5.) If the moneys standing to any special county account of the county fund are insufficient to meet the expenditure for the special county purposes chargeable to that account, county contributions may be levied to meet the deficiency on any parishes in the county liable to be assessed to county contributions for those purposes.

Assessment and Levy of County Rate.—The assessment basis of the county rate is founded and prepared rateably and equally according to the full and fair annual value of the property, messuages, lands, tenements, and hereditaments rateable to the relief of the poor within the county (County Rate Act, 1852, s. 2). It is prepared by a committee of the county council (County Rate Act, 1852, s. 2; L. G. Act, 1888, s. 3).

The rate is levied under the precept of the county council addressed to the guardians of unions of parishes within the county, requiring them to pay to the county treasurer the sums due from each parish in their union, and the guardians obtain these sums from the overseers in the same manner as money for the relief of the poor (County Rate Act, 1852, s. 26).

Money for the relief of the poor is obtained by "Contribution order," as to which see p. 155.

Should the guardians fail to pay such rates the county council may issue warrants to the overseers of parishes, &c., to pay the same; and if the overseers fail to pay, the county council may levy the rate by distress and sale (County Rate Act, 1852, ss. 27, 28, County Rate Act, 1866, and L. G. Act, 1888, s. 3).

As to any deficiency under the Agricultural Rates Act, 1896, *see the Act, p.* 320.

County council not to raise rate within area of borough or urban district, the council of which is a local education authority (E. Act, 1902, s. 8 (1) (b)).

The county council may not raise any sum on account of their expenses in respect of elementary education within any borough or urban district, the council of which is the local education authority for the purposes of elementary education.

Charging of expenses

With respect to any expenses incurred by a county council in respect of capital expenditure or rent on account of the provision or improvement of any public elementary school, the council must charge such portion of them as they think fit, not

being less than a half or more than three-quarters on the parish or parishes which in the opinion of the county council are served by the school.

incurred in respect of capital expenditure (s. 18 (1) (c)).

Such portion of these expenses as are charged on a particular parish or parishes will be "special expenses" incurred for a special county purpose within sect. 68 (3), L. G. Act, 1888; *vide* note, "*County fund*," *supra*.

Raising of expenses in respect of loans and rent of school boards (s. 18 (1) (d)).

With respect to expenses incurred to meet the liabilities on account of loans or rent of any school board transferred to a county council, the council is bound to raise such portion as they think fit, not being less than half or more than three-quarters of such expenses exclusively within the area which formed the school district in respect of which the liability was incurred, so far as it is within the area of the county council.

As to these expenses being "special expenses," vide supra.

As to crediting money arising from an endowment in aid of the rate levied for the purposes of elementary schools, see p. 146.

(b.) *In the case of the Council of a Borough.*

E. Act, 1902, s. 18 (1).

The expenses of the local education authority, so far as not otherwise provided for, are to be paid out of the borough fund or rate; or, if no borough rate is levied, out of a separate rate made, assessed and levied in like manner as the borough rate.

Ibid. (4).

Where, however, under any local act the expenses incurred in any borough for the purposes of the E. E. Acts, 1870—1900, are payable out of some fund or rate other than the borough fund or rate, the expenses of the council of such borough are to be paid out of that fund or rate instead of out of the borough fund or rate.

As to any deficiency under the Agricultural Rates Act, 1896, *see p.* 320.

"**In like Manner as the Borough Rate.**"—The Municipal Corporations Act, 1882 (45 & 46 Vict. c. 50), provides:—

M. C. Act, 1882. *Borough Fund.* Payments to borough fund.

139. The rents and profits of all corporate land, and the interest, dividends, and annual proceeds of all money, duties, chattels, and valuable securities belonging or payable to a municipal corporation, or to any member or officer thereof in his corporate capacity, and every fine or penalty for any offence against this Act (except where

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and as far as the application thereof is otherwise provided for) shall go to the borough fund.

Application of borough fund.

140.—(1.) The borough fund shall be applicable to and charged with the several payments specified in the Fifth Schedule.

(2.) The payments specified in Part I. of that schedule may be made without order of the council; those specified in Part II. may not be made without such order.

(3.) No other payment shall be made out of the borough fund, except—

(a) Under the authority of an Act of Parliament; or

(b) By order of the council; or

(c) By order of the court of quarter sessions for the borough; or

(d) By order of a justice in pursuance of this Act; or

(e) In cases in which the court of quarter sessions for a county, or a justice acting in and for a county in the discharge of his judicial duty, might make an order for the payment of money on the treasurer of the county.

(4.) Saving, nevertheless, in relation to the application of the borough fund as authorised by this section, or otherwise by this Act, all rights, interests, and demands of all persons in or on the real or personal estate of the municipal corporation, by virtue of any legal proceeding, or of any mortgage, or otherwise.

Orders for payment of money.

141.—(1.) An order of the council for payment of money out of the borough fund shall be signed by three members of the council, and countersigned by the town clerk.

(2.) Any such order may be removed into the Queen's Bench Division of the High Court by writ of certiorari, and may be wholly or partly disallowed or confirmed on motion and hearing, with or without costs, according to the judgment and discretion of the court.

Payments to and by treasurer.

142.—(1.) All payments to and out of the borough fund shall be made to and by the treasurer.

(2.) All payments to the treasurer shall go to the borough fund.

Application of surplus of borough fund.

143.—(1.) If the borough fund is more than sufficient for the purposes to which it is applicable under this Act, or otherwise by law, the surplus thereof shall be applied under the direction of the council for the public benefit of the inhabitants and improvement of the borough.

(2.) If the surplus arises from the rents and profits of the property of the municipal corporation, and not from a borough rate, and the borough is a sanitary district under the Public Health Act, 1875, then the municipal corporation, as the sanitary authority for the borough, may apply the surplus in payment of any expenses incurred by them as such sanitary authority, before or after the commencement of this Act, in improving the borough, or any part

thereof, by drainage, enlargement of streets, or otherwise, under the Public Health Act, 1875, or any Act thereby repealed.

Borough Rate.

Borough Rate. Power for council to make borough rate and assess contribution thereto.

144.—(1.) If the borough fund is insufficient for the purposes to which it is applicable under this Act or otherwise by law, the council shall from time to time estimate, as correctly as may be, what amount, in addition to the borough fund, will be sufficient for those purposes.

(2.) In order to raise that amount, the council shall, subject to the provisions of this Act, from time to time order a rate, called a borough rate, to be made in the borough.

(3.) A borough rate may be made retrospectively, in order to raise money for the payment of charges and expenses incurred, or which have come in course of payment, at any time within six months before the making of the rate.

(4.) The council shall assess the contributions to the borough rate on the several parishes and parts of parishes in the borough in proportion to the total annual value of the hereditaments in each parish or part which are rateable to the poor, or in respect of which a contribution is made to the poor rate.

(5.) That value shall be estimated according to the valuation list (if any) in force for the time being, and if there is none, according to the last poor rate.

(6.) But if for any reason the council think that the valuation list or poor rate is not a fair criterion of value they may cause an independent valuation to be made.

(7.) For the purpose of assessing a borough rate, or for the purpose of an independent valuation, the council from time to time may cause any of the books of assessment of any rates or taxes, parliamentary or parochial, on any property, and the valuation by which the assessment is made, in the hands of the overseers, to be brought before them, and may take copies thereof or extracts therefrom, or may direct any person to take copies of or extracts from such books being in his hands, without having the same brought before the council, or may call before them any overseer to give evidence respecting the same; and may cause copies of the total amount assessed in each parish in respect of any tax payable to the Crown, and the total amount of the valuation of the property on which that assessment was made in any past year, to be made out by the clerk to the commissioners of each district.

(8.) The overseers and such persons as they select, by warrant of the council, signed by the mayor and sealed with the corporate seal, may enter on, view, and examine any land chargeable to the borough rate, in order to ascertain the annual value at which it ought to be charged; but no such entry shall in any case be made unless fourteen days previous notice in writing, signed by the

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mayor and sealed with the corporate seal, of the intention to make the entry, has been given to the overseers and to the persons on whose land the entry is to be made.

(9.) If on any occasion the overseers of a parish think that their parish is aggrieved by a borough rate, on account of the proportions assessed as the contributions of the respective parishes being unequal, or on account of some parish being without sufficient cause omitted, or on account of any other just cause of complaint, they may appeal to the recorder at the next quarter sessions for the borough, or if there is none, to the next quarter sessions for the county wherein the borough is situate, or whereto it is adjacent, against such part of the rate only as affects their parish.

(10.) The recorder or quarter sessions shall hear and finally determine the appeal, and either confirm such parts of the rate as are appealed against, or correct any inequalities, disproportions, or omissions proved to exist therein, as to him or them appears just.

(11.) The expenses of the appeal shall be paid by such parishes or persons and in such proportions as the recorder or court having cognisance of the appeal directs.

(12.) If any person having custody of any book for which the council call under this section, fails to produce it to the council or to permit any copy thereof or extract therefrom to be made or taken, or to give such evidence as the council require, he shall, on summary conviction, be liable to a fine not exceeding ten pounds.

(13.) If any clerk to the commissioners of a district fails to make any copy, which he is required to make under this section, within a reasonable time after his receipt of the order to make it, he shall, on summary conviction, be liable to a fine not exceeding twenty pounds.

Collection of borough rate in undivided parish.

145.—(1.) Where a parish is wholly in a borough, the council may from time to time, if they think fit, order the overseers to pay the contribution of the parish to the borough rate out of the poor rate made or to be made for the parish.

(2.) The overseers shall pay the contribution to the council or as they order.

(3.) If the overseers fail to pay as ordered, the amount may be levied off the goods of them or any of them, by distress, by virtue of a warrant signed by the mayor and sealed with the corporate seal, or signed by two justices in and for the borough.

Collection of borough rate in divided parish.

146.—(1.) Where a parish is partly in and partly out of a borough, the overseers, on receipt of an order for payment of money for the contribution of the part in the borough towards a borough rate, which order the council may make as if the whole parish was in the borough, shall assess on and levy from the occupiers of hereditaments rateable to the poor rate in that part

of the parish the amount necessary for the contribution, either as a separate rate, for which the overseers shall have all the powers which belong to them for levying a poor rate, or with and as part of the poor rate to which occupiers in that part of the parish are liable in common with occupiers in the other part.

(2.) Any person rated under this section may appeal against the rate in like manner and with the like consequences, and subject to the like provisions and regulations, as in appeals against a poor rate.

(3.) The overseers shall pay the amount of the contribution to the council, or as they order, and in default thereof shall be subject to all provisions and penalties provided by law concerning non-payment of contribution to a borough rate.

(4.) Every overseer and collector shall account for the money collected and expended under this section to the auditor of the district comprising the parish in the like manner, and with the like incidents, consequences, liabilities, and power of appeal as in the case of the poor rate; and the Local Government Board shall have the like power to make orders to regulate the mode of accounting as they have in regard to other local rates.

(5.) If any balance is found in the hands of any such overseer or collector he shall apply it towards the next rate required under this section, or pay it to his successor in office.

(6.) In default of his so applying it while in office, or making payment to his successor within seven days after the balance is found, the auditor shall proceed to recover it.

(7.) The officers ordinarily employed in the collection of the poor rate shall, if required by the overseers, collect the rate under this section, and shall receive thereout such remuneration for the additional duty as the overseers, with the consent of the vestry, determine.

(8.) The collector or other person appointed shall, for the purposes of this section, have all the powers of overseers.

(9.) The overseers, in estimating the amount of their assessment under this section, may include a sum for costs of assessment and collection, and a reasonable sum for rates excused or irrecoverable.

Rating of owners instead of occupiers for borough rate in certain cases. 32 & 33 Vict. c. 41.

147. Where the vestry of a parish has made or makes, before or after the commencement of this Act, under section four of The Poor Rate Assessment and Collection Act, 1869, an order, as in that section provided, to the effect that the owners, instead of the occupiers, of such rateable hereditaments, as therein mentioned, shall be rated to the poor rate in respect thereof, every such order, while in force after the commencement of this Act, shall be deemed to apply to and include rating to the borough rate, with the same incidents, conditions, powers, liabilities, and remedies as if the borough rate were a poor rate.

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Warrants for levy of borough rate.

148. Any warrant required for the levy or collection of a borough rate may be issued by the mayor, signed by him, and sealed with the corporate seal.

Borough rate to go to borough fund; and its application.

149. All sums levied in pursuance of the borough rate shall go to the borough fund; and, subject to the foregoing provisions of this Part, the same shall be applied to all purposes to which the borough fund is applicable under this Act, or otherwise by law; and, as regards a borough named in the schedules to the Municipal Corporations Act, 1835, to all purposes to which, before the passing of that Act, a borough rate was by law applicable in the borough, or a county rate was applicable in a county.

(c) *In the case of an Urban District Council.*

The expenses of the local education authority, so far as not otherwise provided for, are to be paid in the manner provided by sect. 33 of the E. E. Act, 1876, as respects the expenses mentioned in that section—*i.e.*, out of a fund to be raised out of the poor rate of the parish or parishes comprised in the area of the urban district according to the rateable value of each parish, and the urban district council will for the purpose of obtaining payment of such expenses have the same powers as a board of guardians have for the purpose of obtaining contributions to their common fund under the Acts relating to the relief of the poor.

"**The same Powers as a Board of Guardians.**"—By virtue of the Poor Law Amendment Act, 1834 (4 & 5 Will. IV. c. 76), and the Order of the Poor Law Commissioners (April 22nd, 1842), the overseers of the poor of every parish in a union are directed to pay over from time to time out of the poor rates collected all such sums as by any order of the guardians expressed to them in writing according to the form prescribed by the Order of the Poor Law Board, February 26th, 1866 (*vide infra*), shall be directed to be provided from the poor rate of the parish, and to pay over such sums to such person or persons at such times and place as by the said order shall be directed, and to take the receipt of such person or persons; and to produce such order and such receipt as their vouchers for such payments before the auditor of the said union in passing their quarterly accounts. By the Consolidated Order Amendment Order of 26th February, 1866, it is provided as follows:

ART. 1.—The clerk [to the guardians] shall, as soon as convenient before the 25th day of March next, and thenceforth four weeks at least before the 29th day of September and the 25th day of March respectively in each year, estimate the probable amount

of the expenditure in the relief of the poor, and other charges by the guardians on behalf of the union, as well as any separate expenditure chargeable against any parish therein during the then next ensuing half year, and estimate the probable balance due to or from each parish at the end of the current half year, and shall apportion the sums to be contributed by the several parishes comprised in the union, according to the law for the time being in force therein, and shall prepare the orders on the overseers or other proper authorities of the several parishes for the payment of such respective contributions, and of any such separate expenditure as aforesaid, and the orders so prepared shall be laid before the guardians for their consideration a reasonable time before the expiration of the current half year.

ART. 2.—The guardians shall make orders on the overseers or other proper authorities of every parish in the union at the commencement of each half year ending on the days above mentioned, and from time to time as occasion may arise, for the payment to the guardians of all such sums as may be required by them as the contribution of the parish to the common fund of the union, and for any other expenses separately chargeable by the guardians on the parish; and in such orders the contributions shall be directed to be paid in one sum or by instalments, on days to be specified in such orders, as to the guardians may seem fit.

Order for Contributions.

To *A. B.* and *C. D.*, Overseers (*or**) of the Parish of

You are hereby ordered and directed to pay to *F. G.*, of , Treasurer of the Guardians of the Poor of the Union, at , on the day of , the sum of Pounds Shillings and Pence, [*or*, on the following days, that is to say, on the day of the sum of Pounds Shillings and Pence; and on the day of the sum of Pounds Shillings and Pence], from the Poor Rates of the Parish of , as the contribution of the Parish to the common fund of the Union, and for such other expenses as are chargeable by the said Guardians on the said Parish separately, and to take the receipt of the said *F. G.*, indorsed upon this paper, for the said sum [*or* sums].

Given under our hands, at a meeting of the Guardians of the Poor of the said Union, held on the day of 18 .

(Signed) *X. Y.* Presiding Chairman.
W. X., *U. V.* } Guardians.

Countersignature of the Clerk to the Guardians.

* Here insert the names of any parties in the Parish authorised to make the Poor Rate in place of the Overseers.

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Should the parish officers fail to pay the money required, the guardians may proceed against them before justices for a disobedience to the orders of the Commissioners under 4 & 5 Will. IV. c. 76, s. 48, or under 2 & 3 Vict. c. 84, s. 1. See Glen's Poor Law Orders, 11th ed., p. 564.

As to deficiencies due to Agricultural Rates Act, see p. 320.

Sect. II.—INCOME FOR HIGHER EDUCATION PURPOSES.

§ 1.—*In the case of a County Council.*

Residue under 53 & 54 Vict. c. 60 (E. Act, 1902, s. 2 (1), Sch. II. (5)).

The possible sources of income for higher education purposes are in the case of a county council as follows :—

(a) The residue under the Local Taxation (Customs and Excise) Act, 1890, including therein any balance of such residue remaining unexpended at the appointed day.

"**Local Taxation (Customs and Excise) Act, 1890.**"—This Act provides :—

1.—(1.) Out of the English share of the Local Taxation (Customs and Excise) duties paid to the local taxation account on account of any financial year :—

(a) The sum of £300,000 shall be applied for such purposes of police superannuation in England as hereinafter mentioned.

(b) The residue shall, unless Parliament otherwise determines, be distributed between county and county borough funds, and carried to the Exchequer contribution accounts of those funds respectively, and applied under the L. G. Act, 1888, as if it were part of the English share of the local taxation probate duty, and shall be the subject of an adjustment between county and county boroughs according to sect. 32 of the said Act, by the Commissioners under that Act.

This residue of the Local Taxation (Customs and Excise) duties is colloquially known as the "Whisky Money," and under the above Act (sect. 2—which section is repealed by E. Act, 1902, Sch. IV., Part I.) it was optional for the county or county borough council to apply it in whole or in part to the purposes of technical education. Now, however, they cannot spend income derived from this source on anything else, and if they do not so spend it, must keep it in reserve and carry it forward as a balance.

County rate (E. Act, 1902, s. 2 (1)).

(b) The county rate, the amount, however, raised by the council of a county for the purposes of higher education in any year out of rates may not exceed the amount which

would be produced by a 2*d.* rate, or such higher rate as the county council, with the consent of the Local Government Board, may fix.

It is to be remembered that this source of income is optional, *i.e.*, the council are not bound to raise a rate; but if they choose to spend more on higher education than can be provided for otherwise, they may to the above extent provide such further sums out of rates.

"**The Amount which would be Produced.**"—The amount which would be produced by any rate in the £ is to be estimated for the purposes of the E. Act, 1902, in accordance with regulations made by the Local Government Board (E. Act, 1902, s. 23 (4)).

For county rate see p. 147.

Power to charge expenses on particular parishes (E. Act, 1902, s. 18 (1) (a)).

A county council may if they think fit (after giving reasonable notice to the overseers of the parish or parishes concerned) charge any expenses incurred by them with respect to education other than elementary on any parish or parishes which in the opinion of the council are served by the school or college in connection with which the expenses have been incurred.

See similar provision in case of public elementary schools, and as to above expenses being "special expenses" see p. 149.

"**College.**"—This expression includes any educational institution whether residential or not (E. Act, 1902, s. 24 (4)).

Parliamentary grant.

(c) The Parliamentary grant for instruction in science and art.

For conditions on which such grant is made see the Regulations for Secondary Day Schools, p. 614, *and Evening Schools, p.* 606, *and the Supplementary Regulations,* 1902—1903, *which supersede those contained in the Directory,* 1901—1902, *and in the Minutes of 3rd July,* 1901.

Additional borough or urban district rate (E. Act, 1902, s. 20 (b)).

(d) Where a borough or urban district which is a local education authority relinquishes to the county its powers in respect of higher education, the county council *may* raise an additional rate for that borough or district not exceeding 1*d.* in the £.

"**Relinquishes to the County its Powers in respect of Higher Education.**"—For these powers and their relinquishment see p. 100.

"**An Additional Rate.**"—For these rates see p. 158.

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§ 2.—*In the case of a County Borough.*

The possible sources of income for higher education purposes are in the case of a county borough :—

Residue under 53 & 54 Vict. c. 60 (E. Act, 1902, s. 2 (1), Sch. II. (5)).

(a) The residue under the Local Taxation (Customs and Excise) Act, 1890, as in the case of a county council (see p. 156).

Borough rate (E. Act, 1902, ss. 2, 18 (1)).

(b) The borough rate, or such other fund or rate as has hitherto met the expenses incurred for educational purposes.

"**The Borough Rate . . . or such other Rate.**"—For this see p. 151. It is to be noted that whereas in the case of a county council they can only levy a rate for the purposes of higher education to the amount of 2*d.* in the £, there is no such limit in the case of a county borough.

Parliamentary grant.

(c) The Parliamentary grant for instruction in science and art.

As to this, vide supra.

§ 3.—*In the case of Boroughs other than County Boroughs.*

The possible sources of income for higher education purposes are :—

Borough rate, &c. (E. Act, 1902, ss. 3, 18 (1)).

(a) The borough rate or such other fund or rate as has hitherto met the expenses incurred for educational purposes, provided that the amount raised in any year may not exceed the amount which would be produced by a rate of 1*d.* in the £.

"**Borough Rate . . . or other . . . Rate.**"—See p. 149.

"**The Amount which would be Produced.**"—The amount which would be produced by any rate in the £ is to be estimated in accordance with regulations made by the Local Government Board (E. Act, 1902, s. 23 (4)).

(b) The Parliamentary grant for instruction in science and art.

As to this vide supra.

§ 4.—*In the case of an Urban District.*

Rate under E. E. Act, 1876 (E. Act, 1902, ss. 3, 18 (1))

What has been said as to the sources of income for higher education in the case of a borough other than a county borough (*vide supra*) will apply in that of an urban district, save only

that the rate in the latter case is a rate to be made, assessed and levied in the manner provided by sect. 33 of the E. E. Act, 1876, as respects the expenses mentioned in that section.

As to this rate, see p. 154.

Liability of urban district under Technical Instruction Acts. (E. Act, 1902, Sch. II. (4)).

Any liability of an urban district council incurred under the Technical Instruction Acts, 1889—1891, and charged on any fund or rate is to become charged on the fund or rate out of which the expenses of the council are to be paid.

"Technical Instruction Acts, 1889—1891."—These Acts are now repealed (E. Act, 1902, Sch. IV. Part I.).

"Fund or Rate out of which the Expenses of the Council are to be Paid."—See as to this p. 165.

Sect. III.—FUNDS AVAILABLE UNDER THE WELSH INTERMEDIATE AND TECHNICAL EDUCATION ACT, 1889.

§ 1.—*Sources of Income.*

The sources of income to which, under the various schemes, the county governing bodies may have recourse are as follows:—

(a) The amount payable by the county council out of the rate authorised by the Act;

(b) The amount payable by the county council by way of grant under the Local Taxation (Customs and Excise) Act, 1890;

(c) The Treasury grant;

(d) Endowments, the administration of which is vested by the county scheme in the county governing body.

(e) Additional donations or endowments which may be received by the county governing body after the date of the scheme.

"County Governing Body."—The county governing bodies being now abolished where an education committee is established (see p. 109), in such cases the various sums above mentioned will for the future be retained by and paid to the local education authority (E. Act, 1902, s. 17 (8)).

"The Rate Authorised by the Act."—The Welsh Intermediate Education Act, 1889, s. 8 (3), provides that the addition made to the county rate in any county for the purposes of defraying

Part IV. contributions for intermediate and technical education under the Act is not in any year to exceed ½*d.* in the £ on the aggregate amount of any rateable value of the property in the county, as ascertained for the purpose of the levy of the county contributions.

"*County Rate.*"—See p. 147.

"**The Amount Payable to the County Council under the Local Taxation (Customs and Excise) Act, 1890.**"—For this see p. 156.

"**The Treasury Grant.**"—The Welsh Intermediate Education Act, 1889, s. 9, provides:—

(i.) The Commissioners of Her Majesty's Treasury shall annually *out of moneys provided by Parliament* pay in aid of each school *aided by the county and subject to a scheme* made under this Act such sums as hereinafter mentioned.

(ii.) The sums to be so paid shall depend on the efficiency of the schools aided by the county, as ascertained by such annual inspection and report as may be required by the regulations from time to time made by the Treasury for the purposes of this section, and shall be of such amounts as may be fixed by those regulations, and shall be paid in manner provided by those regulations.

(iii.) The aggregate amount of the sums paid by the Commissioners of Her Majesty's Treasury in any year in respect of the schools in any county shall not exceed *the amount payable in that year in pursuance of this Act out of the county rate.*

(iv.) The Treasury may from time to time make, and, when made, vary and revoke, regulations for the purposes of this section.

"*Regulations made by the Treasury.*"—See p. 113.

"**Endowments, the Administration of which is vested . . . in the County Governing Body.**"—Sect. 3 (1) of the Welsh Intermediate Education Act, 1889, provides that the schemes should specify the educational endowments within the county which in the opinion of the joint education committee ought to be used for the purposes of such scheme. For a description of endowments applicable to the purposes of the Act as contained in sect. 12 of the Act, see p. 108. A list of such endowments is set out in Sch. I. of each scheme.

As to the transfer of such endowments with other property to the local education authority, see p. 109.

Fees of scholars. Every scheme fixes a minimum and maximum charge for tuition, and a maximum charge for boarding. In the majority of cases the tuition fee may range from £3 to £8 a year according to the discretion of the district governors. The maximum yearly charge for boarding is usually £40 in a

master's house, or £30 in a hostel managed by the governors. In two counties the minimum tuition fee falls to £2. In a few cases both minimum and maximum are raised for special schools intended to give a more advanced or more expensive type of education. This is the case in the three county boroughs where the minimum is £6 and the maximum £10 to £12.

All payments of tuition fees are to be accounted for by the persons receiving them to the school managers or governors, and to be treated by them as part of the general income of the school.

"**The Minimum is £6.**"—In the case of Newport £5 for girls.

Grants from Science and Art Department and under the Technical Instruction Act, 1889.

The schemes also provide that the county schools shall be so conducted as to allow of a grant being made to it by the Department of Science and Art.

It may also be so conducted as to receive aid from a local authority under the Technical Instruction Act, 1889. Any moneys payable by the Department of Science and Art or under the Technical Instruction Act are to be paid to the school managers or governors.

"**Department of Science and Art.**"—For grants, see pp. 606, 614.

"**The Technical Instruction Act, 1889.**"—This Act is now repealed (E. Act, 1902, Sch. IV. Part I.), but by Sch. III. (11) it is provided that references in any provision of a scheme made under the Endowed Schools Acts, 1869—1889 (including therefore schemes made under the Welsh Intermediate Education Act, 1889, see s. 1), to any provisions of the Technical Instruction Acts, 1889 and 1891, or either of those Acts shall, unless the context otherwise requires, be construed as references to the provisions of Part II. of the E. Act, 1902 (Higher Education).

"**School Managers or Governors.**"—See p. 110. "District Governing Body."

§ 2.—*Administration of Income.*

The above various sources of income are treated collectively under the name of the "General Fund," and are administered by the county governing body in accordance with the provisions of the scheme.

"**Administered . . . in accordance with the . . . Scheme.**"—The schemes very generally if not universally provide in the first

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place for the carrying to a separate account, entitled the "Building Fund," of the Exchequer contributions received by the county governing body for three or four years together with the interest thereon. Out of this fund grants from the county governing body of a specified amount were to be payable to the local governors, speaking generally, if, and when, within three years from the date of the scheme, there had been provided (a) a piece of freehold land suitable for the requisite school buildings, and (b) a specified sum of money either actually paid or properly guaranteed. The proportion that the voluntary contributions are to bear to the county grant varies in different schemes. It ranges from about one-third to something more than one-half of the estimated cost of building for the minimum number of pupils fixed by the scheme. If at the end of the three years these conditions have not been fulfilled the local governors lose their title to the grant, and the county building fund so set free is invested and treated as part of the county fund. The county governing body has, however, the power in such cases to make other provision, with the sanction of the Charity Commissioners, for the erection of school buildings. The arrangement in detail for the provision of buildings is a function of the local governors, but plans and financial arrangements require the sanction of the Charity Commissioners.

"*County Governing Body.*"—The administration of these funds will now be in the hands of the local education authority. See p. 159, and E. Act, 1902, s. 17 (8).

"*The Charity Commissioners.*"—Now the Board of Education. See Board of Education Act, 1899, s. 2 (2), p. 334, and Orders in Council, pp. 452, 455, 457.

Subject to what has been said above as to the creation of a "building fund," the general fund is charged in the first place with a sum not exceeding one-fifth (the maximum is lower in one or two cases) to be applied yearly by the county governing body to meet expenses incurred under the following heads:—

(a) Management of property and business;
(b) Examination and inspection of county schools;
(c) Travelling teachers;
(d) County exhibitions; and
(e) Teachers' pension fund.

The residue is, as a rule, divisible among the school and scholarship districts in stated proportions, which were determined by population and rateable value, modified occasionally by peculiar local circumstances. In one or two cases the residue is allocated by two steps, a fixed sum being first given to each district, and the ultimate residue being distributed on the basis of population, or more or less at the discretion of the county governing body.

The payments thus made by the county governors to the district managers are, in school districts, subject to the condition that one-fifth shall be set apart for scholarships and bursaries, the remainder being applicable for the general maintenance of the school.

"*The General Fund is Charged*," *&c.*—Generally speaking, but in many cases there are special provisions for the application of that part of it which comes from charitable endowments.

The scholarships and bursaries fund is applied under the following regulations and conditions:—

(a) The county governing body is required, after consultation with the district authority, to make regulations from time to time for advertisement, examinations, the equitable award of scholarships as between boys and girls and as between candidates speaking and not speaking Welsh, as to the particular schools, whether in the county or not, at which the scholarships shall be tenable, and as to reports on the working of the system;

(b) The local governors who administer the fund, are required to maintain scholarships, tenable in the school of the district, unless otherwise ordered, not less in number than 10 per cent. nor more than 20 per cent. of the greatest number of pupils in the school in the last term of the preceding year;

(c) A scholarship is tenable for one year, but may be renewed from year to year on the written recommendation of the head master;

(d) Not less than one half of the scholarships are to consist of total exemption from the tuition fee, and are restricted to children who are and have for not less than three years been scholars in a public elementary school;

(e) The remaining scholarships are to consist of exemption from one half of the tuition fees, and to be awarded to children already in the school;

(f) The residue of the scholarship fund is to be applied in the first place to the augmentation, where the governors think fit, of the value of the scholarships; and secondly, to the maintenance of bursaries;

(g) A bursary is to consist of a payment to cover the expense of travelling to and from the school, and other incidental expenses of pupils from the public elementary schools.

Bursaries are to be awarded to those who appear to the governors to be most in need of them, and not on the result of an examination. They are not, therefore, as scholarships are, the reward of merit. It was intended that they should be mainly used to minimise the disadvantages of children whose homes were in the more remote parts of the school districts.

The maintenance and award of exhibitions to carry pupils from

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Leaving exhibitions.

the county schools to places of higher education are functions of the county governing body. These exhibitions are to be of a minimum yearly value of £10, and to be tenable for not more than three years by boys and girls who have been not less than five years in a county school. The terms of the competition are to be so arranged that the pupils in all county schools shall in each year be enabled to compete for at least one exhibition.

"*The County Governing Body.*"—*Vide supra.*

Chapter II.

EXPENSES.

Expenses of maintaining and keeping efficient all public elementary schools (E. Act, 1902, s. 7).

The local education authority have the control of all expenditure required for the purpose of maintaining and keeping efficient all public elementary schools other than expenditure for which, under the E. Act of 1902, provision is to be made by the managers. Under the head of such expenses may be included :—

(1.) The payment of the staff (see p. 53).

(2.) Furniture, books, etc.

(3.) Rates, taxes.

(4.) Rent for teacher's house (see p. 90).

(5.) Fair wear and tear repairs under sect. 7 (1) (d) (see p. 91).

(6.) Damage arising other than from fair wear and tear under sect. 7 (2) (see p. 91).

(7.) Of local inquiries as to endowments (see p. 146).

For the funds out of which the above and other expenses of a council are to be paid unless otherwise provided for, see pp. 147, 149, 154.

"**Maintaining and keeping efficient all Public Elementary Schools.**"—See p. 21.

"**Expenditure for which . . . Provision is to be made by the Managers.**"—See p. 121.

Expenses in respect of blind and deaf, defective and epileptic children (E. E. (B. & D. C.) Act, 1893, s. 5 (2); E. E. (D. & E. C.) Act, 1899, s. 6).

The expenses of the local education authority under the E. E. (Blind and Deaf Children) Act, 1893, and E. E. (Defective and Epileptic Children) Act, 1899, are to be paid out of the fund applicable to their general expenses.

"**Expenses of the Local Education Authority.**"—Including,

(1.) Expenses (a) of and incidental to :—

(i.) The attendance of a child at school.

(ii.) The maintenance and boarding out of a child while so attending.

(b) Of conveying the child to or from school.

(2.) Contributions to another authority of the proportionat cost

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of the provision and maintenance of such authority's special classes or schools for defective and epileptic children, when attended by children resident in, or whose permanent home is in, the area of the contributing local education authority (E. E. (Defective and Epileptic Children) Act, 1899). *Vide supra*, pp. 147—156.

As to the applicability of the aid grant to such schools, vide supra, p. 135.

Expenses in respect of child committed to industrial school (E. E. Act, 1900, s. 4 (1)).

Where a child is committed to a certified industrial school at the instance of a local education authority, the authority may pay the expenses :—

(a) Of and incidental to the conveyance of the child to and from the school ;

(b) Of sending the child out on licence or bringing it back on the expiration or revocation of a licence.

"**At the instance of a Local Education Authority.**"—For cases where children may be sent to industrial schools at the instance of a local education authority, see p. 50.

Contribution in respect of ultimate disposal of child (E. E. Act, 1900, s. 4 (2)).

Where any local education authority have contributed to the support of a child in an industrial school, they may contribute to the ultimate disposal of the child.

"**Contributed to the Support of a Child.**"—For power of the local education authority to contribute towards the support of the inmates of a certified industrial school, see p. 33.

For the powers of a local education authority to contribute towards the expenses of and to themselves undertake the establishment of certified industrial and certified day industrial schools, see pp. 33, 34.

Expenses in respect of the appointment of officers (E. E. Act, 1870, s. 36 ; E. Act, 1902, Sch. III. (2)).

Expenses incurred in respect of the appointment of officers to enforce bye-laws, or to bring children liable to be sent to industrial schools before justices, are to be paid out of the fund or rate out of which the expenses of the local education authority are payable.

"**Fund out of which the Expenses of the Local Education Authority are payable.**"—For these *vide supra*, p. 120.

Expenses in respect of returns by registrar of

The local education authority may pay, as part of their expenses under the E. E. Act, 1876, to the registrar of births and deaths making a return to them of such particulars registered by him concerning the deaths and births of children

as may be specified in any requisition by them, a fee not exceeding 2*d.* for every birth and death entered in the return.

births (E. E. Act, 1876, s. 26).

The remuneration of any persons employed by the local education authority to assist them in making their annual returns to the Board of Education, together with all such other expenses incurred therein as the Treasury may sanction, are to be paid by the Board of Education.

Expenses in respect of returns (E. E. Act, 1870, s. 69).

The costs of a public inquiry held under the E. Act, 1902, s. 23 (10), and E. E. Act, 1870, s. 73, or under the latter section only, may, if the Board of Education so direct, are to be paid by the area of the local education authority, in which case the costs may be recovered as a debt due from the local education authority.

Expenses in respect of public inquiries (E. E. Act, 1870, s. 73; E. Act, 1902, s. 23 (10)).

The costs, charges, and expenses incidental to an application and inquiry and order by the Board of Education, with a view to the compulsory purchase of land by the local education authority, are to be a charge on the fund out of which the expenses of the local education authority are payable.

Expenses in respect of orders for compulsory purchase of land (E. E. Act, 1870, s. 20; E. Act, 1902, Sch. III. (2)).

The council of any county or county borough may, out of any money applicable for the purposes of technical education, pay or contribute to the expenses of an inspection by the Board of Education of any school supplying secondary education and desiring to be so inspected situate within their county or borough.

Expenses of inspection by Board of Education of secondary schools (B. of E. Act, 1899, s. 3 (2)).

"Money applicable for the Purposes of Technical Education."—Previous to the passing of the E. Act, 1902, the moneys which a county or borough might apply for the purposes of technical education were—(i.) the produce of the rate levied under the Technical Instruction Act, 1889, and (ii.) the "residue" under the Local Taxation (Customs and Excise) Act, 1890. The former Act, and sect. 1 (2) of the latter, which authorised the application of the "residue," are now repealed by the E. Act, 1902. But Sch. III. (11) of that Act provides that references in any enactment to any provisions of the Technical Instruction Acts, 1889 and 1891, or either of those Acts, shall be construed as references to the provisions of Part II. of itself, which deals with higher education. The above payments will accordingly be able to be made out of the funds now available for higher education, for, although not directly, yet certainly indirectly, the third section of the Board of Education Act refers to the provisions of the Technical Instruction Act, 1889.

Chapter III.

BORROWING AND LOANS.

The local education authority may borrow money for the purposes of the E. E. Acts, 1870—1900, and for those of the E. Act, 1902.

"For the Purposes of the E. E. Acts, 1870—1900, or the E. Act, 1902."—The most important of such purposes which may possibly involve borrowing appear to be :—

(1.) The provision of sufficient public school accommodation. (See pp. 24, 26.)

(2.) The maintenance and efficiency of all public elementary schools. (See p. 21.)

(3.) The provision of efficient and suitable education for deaf and blind and defective and epileptic children (E. E. (Blind and Deaf Children) Act, 1893, s. 5 (1); E. E. (Defective and Epileptic Children) Act, 1899, s. 6).

In respect of these two purposes the consent of the Board of Education is no longer necessary to the exercise of the power of borrowing, the consent of the Local Government Board being substituted (E. Act, 1902, Sch. III. (8)). Sub-sections (1) and (5) of sect. 87 of L. G. Act, 1888 (see p. 172), apply in the case of such consent (E. Act, 1902, s. 23 (9)).

(4.) The establishing, building, and maintaining of certified industrial and certified day industrial schools. (See p. 34.)

In these cases it is necessary to get the consent of the Home Secretary instead of that of the Local Government Board to the spreading of the payment of the expenses of such establishment and building over a number of years, and to the borrowing of money for such purposes (E. E. Act, 1876, s. 15; E. Act, 1902, Sch. III. (8)).

The same consent is also necessary where the local education authority desire to borrow money in furtherance of a resolution passed by them to contribute any sum of money towards, or to undertake the cost of:

(a) The alteration, enlargement, or rebuilding, but not the furnishing of any industrial school or day industrial school; or

(b) The establishment or building, but not the furnishing of such a school; or

(c) The purchase of land required either for the use of such an existing school, or for the site of a school intended to be used as such a school (E. E. (Industrial Schools) Act, 1879, s. 3. E. Act, 1902, Sch. III. (8)).

In both these cases before the passing of E. Act, 1902, if it were desired to raise the loan from the Public Works Loan Commissioners, the Commissioners could only entertain the application on the recommendation of the Home Secretary, required by sect. 10 of E. E. Act, 1873. That section is now repealed, but both purposes are still to be deemed works for which the local education authority is authorised to borrow within the meaning of Sch. I. of the Public Works Loans Act, 1875. See E. E. Act, 1876, s. 15; E. E. (Industrial Schools) Act, 1879, s. 3. That schedule, as modified by E. Act, 1902, Sch. III. (10), provides that among the works for the purpose of which the Commissioners may lend money is any school house or work for which a local education authority is authorised to borrow under the E. E. Acts, 1870—1873, or any Act amending the same.

§ 1.—*In the case of a County Council.*

The borrowing powers of the local education authority are to be exercised as for the purposes of the L. G. Act, 1888. E. Act, 1902, s. 19 (1).

The L. G. Act, 1888, provides as follows:—

Borrowing by county council (L. G. Act, 1888, s. 69).

69.—(1.) The county council may from time to time, with the consent of the Local Government Board (*a*), borrow, on the security of the county fund, and of any revenues of the council, or on either such fund or revenues, or any part of the revenues, such sums as may be required for the following purposes, or any of them, that is to say:

(a) for consolidating the debts of the county; and

(b) for purchasing any land or building any building, which the council are authorised by any Act to purchase or build; and

(c) for any permanent work or other thing which the county council are authorised to execute or do, and the cost of which ought in the opinion of the Local Government Board to be spread over a term of years: and

(d) for making advances (which they are hereby authorised to make) to any persons or bodies of persons, corporate or unincorporate, in aid of the emigration or colonisation of

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inhabitants of the county, with a guarantee for repayment of such advances from any local authority in the county, or the Government of any colony ; and

(e) for any purpose for which quarter sessions or the county council are authorised by any act to borrow,

but neither the transfer of powers by this Act nor anything else in this Act shall confer on the county council any power to borrow without the consent above mentioned (*a*), and that consent shall dispense with the necessity of obtaining any other consent which may be required by the Acts relating to such borrowing, and the Local Government Board, before giving their consent, shall take into consideration any representation made by any ratepayer or owner of property rated to the county fund.

(2.) *Provided that where the total debt of the county council, after deducting the amount of any sinking fund, exceeds, or if the proposed loan is borrowed will exceed, the amount of one tenth of the annual rateable value of the rateable property in the county, ascertained according to the standard or basis for the county rate, the amount shall not be borrowed, except in pursuance of a provisional order made by the Local Government Board and confirmed by Parliament* (*b*).

(3.) A county council may also from time to time, without any consent of the Local Government Board, during the period which was fixed for the discharge of any loan raised by them under this Act or transferred to them by this Act, borrow on the like security such amount as may be required for the purpose of paying off the whole or any part of such loan, or if any part of such loan has been repaid otherwise than by capital money for reborrowing the amount so repaid, and for the purpose of this section, "capital money" includes any instalments, annual appropriations, and sinking fund and the proceeds of the sale of land or other property, but does not include money previously borrowed for the purpose of repaying a loan.

(4.) All money reborrowed shall be repaid within the period fixed for the discharge of the original loan, and every loan for

reborrowing shall for the purpose of the ultimate discharge be deemed to form part of the same loan as the original loan, and the obligations of the council with respect to the discharge of the original loan shall not be in any way affected by means of the reborrowing. Chap. III.

(5.) A loan under this section shall be repaid within such period, not exceeding thirty years, as the county council, with the consent of the Local Government Board, determine in each case.

(6.) The county council shall pay off every loan either by equal yearly or half-yearly instalments of principal, or of principal and interest combined, or by means of a sinking fund set apart, invested, and applied in accordance with the Local Loans Act, 1875, and the Acts amending the same (*c*). 38 & 39 Vict. c. 83.

(7.) Where a loan is raised for any special county purpose (*d*), the council shall take care that the sums payable in respect of the loan are charged to the special account to which the expenditure for that purpose is chargeable.

(8.) Where the county council are authorised to borrow any money on loan they may raise such money either as one loan or several loans, and either by stock issued under this Act (*e*), or by debentures (*f*), or annuity certificates (*g*) under the Local Loans Act, 1875, and the Acts amending the same, or, if special reasons exist for so borrowing, by mortgage, in accordance with sections two hundred and thirty-six and two hundred and thirty-seven of the Public Health Act, 1875 (*h*). 38 & 39 Vict. c. 55.

(9.) Provided that where a county council have borrowed by means of stock they shall not borrow by way of mortgage except for a period not exceeding five years.

(10.) Where the county council borrow by debentures such debentures may be for any amount not less than five pounds.

(11.) The provisions of this section which authorise advances in aid of the emigration or colonisation of inhabitants of the county, and borrowing for those advances, except the provisions respecting the total debt, shall extend to the councils of boroughs mentioned in the Third Schedule to this Act.

(12.) Nothing in this section shall be taken to empower the Cheshire County Council to borrow on the security of any

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revenue estimated to accrue from the surplus funds of the River Weaver Navigation.

(*a*) With regard to the consent of the Local Government Board, sect. 87 of the L. G. Act, 1888, provides:—

87.—(1.) Where the Local Government Board are authorised by this Act to make any inquiry, to determine any difference, to make or confirm any order, to frame any scheme, or to give any consent, sanction, or approval to any matter, or otherwise to act under this Act, they may cause to be made a local inquiry, and in that case, and also in a case where they are required by this Act to cause to be made a local inquiry, sections two hundred and ninety-three to two hundred and ninety-six, both inclusive, of the Public Health Act, 1875 (1), shall apply as if they were herein re-enacted, and in terms made applicable to this Act.

(2.) Sections two hundred and ninety-seven and two hundred and ninety-eight of the Public Health Act, 1875 (2) (which relate to the making of provisional orders by the Local Government Board), shall apply for the purposes of this Act as if they were herein re-enacted, and in terms made applicable thereto.

(3.) Provided that, where a provisional order transfers to county councils generally any powers, duties, or liabilities of Her Majesty's Privy Council, a Secretary of State, the Local Government Board, or other Government department, it shall not be necessary to hold a local inquiry nor to advertise in any local newspaper.

(4.) Where any matter is authorised or required by this Act to be prescribed, and no other provision is made declaring how the same is to be prescribed, the same shall be prescribed from time to time by the Local Government Board.

(5.) Where the Board cause any local inquiry to be held under this Act, the costs incurred in relation to such inquiry, including the salary of any inspector or officer of the Board engaged in such inquiry, not exceeding three guineas a day, shall be paid by the councils and other authorities concerned in such inquiry, or by such of them and in such proportions as the Board may direct, and the Board may certify the amount of the costs incurred, and any sum so certified and directed by the Board to be paid by any council or authority shall be a debt to the Crown from such council or authority.

(1) Sects. 293—296 of the P. H. Act, 1875, are as follows:—

Power of Board to direct inquiries.

293. The Local Government Board may from time to time cause to be made such inquiries as are directed by this Act, and such inquiries as they see fit in relation to any matters concerning the public health in any place, or any matters with respect to which their sanction approval or consent is required by this Act.

Orders as to costs of inquiries.

294. The Local Government Board may make orders as to the costs of inquiries or proceedings instituted by, or of appeals to the said Board under

this Act, and as to the parties by whom or the rates out of which such costs shall be borne; and every such order may be made a rule of one of the superior courts of law on the application of any person named therein.

Orders of Board under this Act.

295. All orders made by the Local Government Board in pursuance of this Act shall be binding and conclusive in respect of the matters to which they refer, and shall be published in such manner as that Board may direct

Powers of inspector of Local Government Board.

296. Inspectors of the Local Government Board shall, for the purposes of any inquiry directed by the Board, have in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those which poor law inspectors have under the Acts relating to the relief of the poor for the purposes of those Acts.

(2) Sects. 297 and 298 of the P. H. Act, 1875, provide :—

297. With respect to provisional orders authorised to be made by the Local Government Board under this Act, the following enactments shall be made :—

As to provisional orders made by Local Government Board.

(1.) The Local Government Board shall not make any provisional order under this Act unless public notice of the purport of the proposed order has been previously given by advertisement in two successive weeks in some local newspaper circulating in the district to which such provisional order relates :

(2.) Before making any such provisional order, the Local Government Board shall consider any objections which may be made thereto by any persons affected thereby, and in cases where the subject matter is one to which a local inquiry is applicable, shall cause to be made a local inquiry, of which public notice shall be given in manner aforesaid, and at which all persons interested shall be permitted to attend and make objections :

(3.) The Local Government Board may submit to Parliament for confirmation any provisional order made by it in pursuance of this Act, but any such order shall be of no force whatever unless and until it is confirmed by Parliament :

(4.) If while the Bill confirming any such order is pending in either House of Parliament, a petition is presented against any order comprised therein, the Bill, so far as it relates to such order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills :

(5.) Any Act confirming any provisional order made in pursuance of any of the Sanitary Acts or of this Act, and any Order in Council made in pursuance of any of the Sanitary Acts, may be repealed altered or amended by any provisional order made by the Local Government Board and confirmed by Parliament :

(6.) The Local Government Board may revoke, either wholly or partially, any provisional order made by them before the same is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament :

(7.) The making of a provisional order shall be *primâ facie* evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such provisional order have been complied with :

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(8.) Every Act confirming any such provisional order shall be deemed to be a public general Act.

Costs of provisional orders.

298. The reasonable costs of any local authority in respect of provisional orders made in pursuance of this Act, and of the inquiry preliminary thereto, as sanctioned by the Local Government Board, whether in promoting or opposing the same, shall be deemed to be expenses properly incurred for purposes of this Act by the local authority interested in or affected by such provisional orders, and such costs shall be paid accordingly ; and if thought expedient by the Local Government Board, the local authority may contract a loan for the purpose of defraying such costs.

(*b*) Money borrowed under the E. Act, 1902, is not to be reckoned as part of the total debt of a county for the purposes of sect. 69 of the L. G. Act. 1888 (E. Act. 1902, s. 19 (2)). Further, any loans transferred to a council are for the purpose of limitation on the powers of the council to borrow to be treated as money borrowed under the E. Act, 1902 (E. Act, 1902, Sch. II. (3)).

(*c*) The Local Loans Act, 1875, provides :—

Discharge of loan by sinking fund.

15. Where a sinking fund is prescribed (1) for any loan or part of a loan, the local authority shall create a sinking fund as hereinafter mentioned ; that is to say,

(1.) Such equal yearly or half-yearly sums shall be paid into the sinking fund in each year as, being accumulated at compound interest at the prescribed rate, or if no rate is prescribed, at such rate as in the opinion of the local authority, (regard being had to the securities in which they are authorised to make investments,) will, at the expiration of some period not longer than the prescribed period, be sufficient, after payment of all expenses, to discharge such loan or part of a loan ; and,

(2.) The first of such payments shall be made within one year from the date of the loan ; and,

(3.) All sums paid into the sinking fund shall be, as soon as may be, invested by the local authority in the prescribed manner, and if no manner is prescribed, or if a manner having been prescribed, the Local Government Board shall assent, in securities in which trustees are by law for the time being authorised to invest, or in debentures, debenture stock, or annuity certificates issued under this Act, and any such investments may be from time to time varied or transposed, and all dividends and other annual sums received in respect of such investments shall as soon as may be after they are received, be paid into the sinking fund and invested by the local authority in like manner ; and,

(4.) The local authority may from time to time apply the sinking fund, or any part thereof, in or towards the discharge

of the loan or part of a loan for which it was created, and until such loan or part is wholly discharged shall not apply the same for any other purpose:

(5.) The debentures or portion of debenture stock, to the payment of which such sinking fund is for the time being applicable, shall be ascertained in such manner as may have been fixed at the time of the issue of the debentures or debenture stock, or may thereafter have been arranged. Where the debentures or portion of debenture stock to be paid off are or is to be determined by lot, the lots shall be drawn and notice shall be given in manner herein-before in this Act mentioned:

(6.) Any surplus of the sinking fund remaining after the discharge of the loan or part of a loan for the discharge of which it was created shall be paid into some other sinking fund under the control of the local authority, or if there is no such fund shall be applied to any purpose to which such loan is applicable, or otherwise, as the local authority may, with the assent of the Local Government Board, think expedient:

(7.) Where any part of the sinking fund is invested in any securities of the local authority, or is applied in paying off any part of the loan before the prescribed period, the interest which would otherwise be payable on such securities or on such part of the loan shall be paid into the sinking fund and invested in manner provided by this Act:

(8.) If the annual income of the sinking fund is not less than the annual interest payable on so much of the loan or part of the loan in respect of which it was created as remains undischarged, the equal annual sums required by this section to be paid into the sinking fund may cease to be so paid.

(1) By the Local Loans Sinking Funds Act, 1885 (48 & 49 Vict. c. 30, s. 4), it is provided that notwithstanding anything contained in the Local Loans Act, 1875, any loan borrowed in manner provided by that Act may be discharged by the establishment of a sinking fund as therein mentioned, notwithstanding that a sinking fund may not have been prescribed by the special act authorising the loan.

16. Where a sinking fund is created for the purpose of discharging any loan or part of a loan the local authority shall, until such loan or part of a loan is discharged, within twenty-one days after the expiration of each year, transmit to the Local Government Board a return in such form and verified in such manner as the Board from time to time directs, showing the amount which has been invested or applied for the purpose of such sinking fund during the year next preceding the making of such return, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund has been applied during the same period, and

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the total amount (if any) remaining invested at the end of the year. If it appears to the Local Government Board, by such return or otherwise, that the local authority have failed to comply with the provisions of this Act with respect to the sinking fund, that Board may, if they think fit and after hearing the local authority, if desirous to be heard, by order direct that the sum in respect of which default has been made is to be raised and invested or applied as part of the sinking fund, and any such order may be enforced by mandamus.

(*d*) For "special county purpose," see sect. 68 (3) of the L. G. Act, 1888, p. 146.

(*e*) Sect. 70 is as follows:—

L. G. Act, 1888. Issue of county stock.

70.—(1.) County stock may be created, issued, transferred, dealt with, and redeemed in such manner and in accordance with such regulations as the Local Government Board may from time to time prescribe [1].

(2.) Without prejudice to the generality of the above power, such regulations may provide for the discharge of any loan raised by such stock, and in the case of consolidation of debt for extending or varying the times within which loans may be discharged, and may provide for the consent of limited owners and for the application of the Acts relating to stamp duties and to cheques and for the disposal of unclaimed dividends, and may apply for the purposes of this section, with or without modifications, any enactments of the Local Loans Act, 1875, and the Acts amending the same, and of any Act relating to stock issued by the Metropolitan Board of Works, or by the corporation of any municipal borough.

(3.) Such regulations shall be laid before each House of Parliament for not less than thirty days during which such House sits, and if either House during such thirty days resolves that such regulations ought not to be proceeded with the same shall be of no effect, without prejudice nevertheless to the making of further regulations.

(4.) If no such resolution is passed it shall be lawful for Her Majesty by Order in Council to confirm such regulations, and the same when so confirmed shall be deemed to have been duly made and to be within the powers of this Act, and shall be of the same force as if they were enacted in this Act.

[1] The regulations at present in force are those confirmed by Orders in Council dated respectively 26th September, 1891, and 3rd August, 1897, as amended by regulations confirmed by Order in Council dated 8th August, 1901. The original orders will be found in Macmorran and Dill's Local Government Act, 1888, 3rd Ed., pp. 763, 797; but the amending order which is not in that book, will be found at p. 579.

(*f*) The Local Loans Act, 1875, s. 5, deals with debentures.

Regulations as to debentures.

5. A debenture under this Act shall be an instrument taking effect as a deed, and charging the local rate or property in such

debenture specified with payment, as in the debenture mentioned, of the principal sum and interest therein specified.

Where a debenture under this Act charges property other than the local rate, and it is intended that in default of payment of the principal sum due on such debenture, or of the interest thereon, the property is to be sold, a statement to that effect shall be inserted in the debenture.

The principal sum may be made payable to the bearer of the debenture, or to a person to be named therein, his executors, administrators, or assigns.

A debenture in which the principal sum is made payable to the bearer shall be transferable by delivery.

A debenture in which the principal sum is made payable to a person named therein, his executors, administrators, or assigns, is in this Act referred to as a nominal debenture, and shall be transferable by writing in manner directed by the local authority.

There may be attached to a debenture under this Act, or be thereafter issued in respect thereof, or partly in one way and partly in the other, coupons making the interest as therein mentioned payable to the bearer of each coupon, or to the person named in each coupon or his order, or the interest on a debenture may be made payable to the owner for the time being of such debenture, or may be otherwise made payable in such manner as in the said debenture mentioned.

A coupon making the interest therein mentioned payable to the person named therein or his order is in this Act referred to as a coupon payable to order.

A debenture under this Act shall not be issued for a less sum than the prescribed sum, or, where no sum is prescribed, than twenty pounds.

(*g*) Annuity certificates are dealt with by sect. 7 of the Local Loans Act, 1875, as under :—

Regulations as to annuity certificates.

7. An annuity certificate under this Act shall be an instrument taking effect as a deed, and charging the local rate or property in such certificate specified with payment, as in the certificate mentioned, of the annual sum therein specified.

Where an annuity certificate under this Act charges property other than the local rate, and it is intended that in default of payment of the annual sum secured by such annuity certificate, or of some part thereof, the property is to be sold, a statement to that effect shall be inserted in the annuity certificate.

The annual sum may be made payable to the bearer of the certificate or to a person to be named therein, his executors, administrators, or assigns.

An annuity certificate in which the annual sum is made payable to the bearer shall be transferable by delivery.

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An annuity certificate in which the annual sum is made payable to a person named therein, his executors, administrators, or assigns, is in this Act referred to as a nominal annuity certificate, and shall be transferable by writing in manner directed by the local authority.

An annuity certificate under this Act shall not be issued for a less annual sum than the prescribed sum, or, where no sum is prescribed, than three pounds.

(*h*) For sects. 236 and 237 of the P. H. Act, 1875, see pp. 180, 181.

§ 2.—*In the case of the Council of a County Borough, Borough, or Urban District.*

Borrowing powers where local education authority a county borough, borough, or urban district.

The borrowing powers of the local education authority are in such cases to be exercised as for the purposes of the Public Health Acts. The following sections (233—243) of the P. H. Act, 1875 (38 & 39 Vict. c. 55), and the P. H. Acts Amendment Act, 1890 (53 & 54 Vict. c. 59) will accordingly apply:—

Public Health Act, 1875. Power to borrow on credit of rates.

233. Any local authority may, with the sanction of the Local Government Board, for the purpose of defraying any costs charges and expenses incurred or to be incurred by them in the execution of the Sanitary Acts or of this Act, or for the purpose of discharging any loans contracted under the Sanitary Acts or this Act, borrow or re-borrow, and take up at interest, any sums of money necessary for defraying any such costs charges and expenses, or for discharging any such loans as aforesaid.

An urban authority may borrow or re-borrow any such sums on the credit of any fund or all or any rates or rate out of which they are authorised to defray expenses incurred by them in the execution of this Act (*a*), and for the purpose of securing the repayment of any sums so borrowed, with interest thereon, they may mortgage to the persons by or on behalf of whom such sums are advanced any such fund or rates or rate (*a*).

A rural authority may borrow or re-borrow any such sums, if applied or intended to be applied to general expenses of such authority, on the credit of the common fund out of which such

expenses are payable, and if applied or intended to be applied to special expenses of such authority, on the credit of any rate or rates out of which such expenses are payable, and for the purpose of securing the repayment of any sums so borrowed, with interest thereon, they may mortgage to the persons by or on behalf of whom such sums are advanced any such fund, rate or rates (*a*).

(*a*) Money borrowed for the purposes of the E. E. Acts, 1870—1900, or of the E. Act, 1902, are in the case of a county borough, borough, or urban district council to be borrowed on the security of the fund or rate out of which the expenses of the council under the E. Act, 1902, are payable (E. Act, 1902, s. 19 (1)).

As to what such fund or rate is see pp. 147, 149, 154.

Regulations as to exercise of borrowing powers.

234. The exercise of the powers of borrowing conferred by this Act shall be subject to the following regulations; (namely,)

(1.) Money shall not be borrowed except for permanent works, (including under this expression any works of which the cost ought in the opinion of the Local Government Board to be spread over a term of years):

(2.) *The sum borrowed shall not at any time exceed, with the balances of all the outstanding loans contracted by the local authority under the Sanitary Acts and this Act, in the whole the assessable value for two years of the premises assessable within the district in respect of which such money may be borrowed* (*a*):

(3.) *Where the sum proposed to be borrowed with such balances* (*if any*) *would exceed the assessable value for one year of such premises, the Local Government Board shall not give their sanction to such loan until one of their inspectors has held a local inquiry and reported to the said Board* (*a*):

(4.) The money may be borrowed for such time, not exceeding sixty years, as the local authority, with the sanction of the Local Government Board, determine in each case; and, subject as aforesaid, the local authority shall either pay off the moneys so borrowed by equal annual instalments of principal or of principal and interest, or they shall in every year set apart as a sinking fund, and accumulate in the way of compound interest by investing

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the same in the purchase of Exchequer Bills or other Government securities, such sum as will with accumulations in the way of compound interest be sufficient, after payment of all expenses, to pay off the moneys so borrowed within the period sanctioned:

(5.) A local authority may at any time apply the whole or any part of the sinking fund set apart under this Act in or towards the discharge of the moneys for the repayment of which the fund has been established: Provided that they pay into the fund in each year and accumulate until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied:

(6.) Where money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not extend beyond the unexpired portion of the period for which the original loan was sanctioned, unless with the sanction of the Local Government Board, and shall in no case be extended beyond the period of sixty years from the date of the original loan.

Where any urban authority borrow any money for the purpose of defraying private improvement expenses, or expenses in respect of which they have determined a part only of the district to be liable, it shall be the duty of such authority, as between the ratepayers of the district, to make good, so far as they can, the money so borrowed, as occasion requires, either out of private improvement rates, or out of a rate levied in such part of the district as aforesaid.

(*a*) Money borrowed under the E. Act, 1902, is not to be reckoned as part of the debt of a county borough, borough, or urban district, for the purpose of the limitation or borrowing fixed by these sub-sects. (E. Act, 1902), s. 19 (2). It must further be borne in mind that any loans transferred to a council are, for the purpose of the limitation on the powers of the council to borrow, to be treated as money borrowed under the E. Act, 1902.

Form of mortgage.

236. Every mortgage authorised to be made under this Act shall be by deed, truly stating the date consideration and the time and place of payment, and shall be sealed with the common seal of the local authority, and may be made according to the

form contained in Schedule IV. to this Act, or to the like effect.

Register of mortgages.

237. There shall be kept at the office of the local authority a register of the mortgages on each rate, and within fourteen days after the date of any mortgage an entry shall be made in the register of the number and date thereof, and of the names and description of the parties thereto, as stated in the deed. Every such register shall be open to public inspection during office hours at the said office, without fee or reward; and any clerk or other person having the custody of the same, refusing to allow such inspection, shall be liable to a penalty not exceeding five pounds.

Transfer of mortgages.

238. Any mortgagee or other person entitled to any mortgage under this Act may transfer his estate and interest therein to any other person by deed duly stamped, truly stating its date and the consideration for the transfer; and such transfers may be according to the form contained in Schedule IV. to this Act, or to the like effect.

There shall be kept at the office of the local authority a register of the transfers of mortgage charged on each rate, and within thirty days after the date of such deed or transfer, if executed within the United Kingdom, or within thirty days after its arrival in the United Kingdom, if executed elsewhere, the same shall be produced to the clerk of the local authority, who shall, on payment of a sum not exceeding five shillings, cause an entry to be made in such register of its date, and of the names and description of the parties thereto, as stated in the transfer; and until such entry is made the local authority shall not be in any manner responsible to the transferee.

On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby; and any transferee may in like manner transfer his estate and interest in any such mortgage; and no person except the last transferee his executors or administrators shall

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be entitled to release or discharge any such mortgage or any money secured thereby.

If the clerk of the local authority wilfully neglects or refuses to make in the register any entry by this section required to be made, he shall be liable to a penalty not exceeding twenty pounds.

Receiver may be appointed in certain

239. If at the expiration of six months from the time when any principal money or interest has become due on any mortgage of rates made under this Act, and after demand in writing, the same is not paid, the mortgagee or other person entitled thereto may, without prejudice to any other mode of recovery, apply for the appointment of a receiver to a court of summary jurisdiction; and such court may, after hearing the parties appoint in writing under their hands and seals some person to collect and receive the whole or a competent part of the rates liable to the payment of the principal or interest in respect of which the application is made, until such principal or interest, or both, as the case may be, together with the costs of the application and of collection, are fully paid.

On such appointment being made all such rates, or such competent part thereof as aforesaid, shall be paid to the person appointed, and when so paid shall be so much money received by or to the use of the mortgagee or mortgagees of such rates, and shall be rateably apportioned between them:

Provided that no such application shall be entertained unless the sum or sums due and owing to the applicant amount to one thousand pounds, or unless a joint application is made by two or more mortgagees or other persons to whom there may be due, after such lapse of time and demand as last aforesaid, moneys collectively amounting to that sum.

Power of Public Works Loan Commissioners to lend to local authority.

242. The Public Works Loan Commissioners may, if they see fit, on the application of any local authority, make any loan to such authority for any of the purposes of this Act on the security of any fund or rate applicable to any of the purposes of this Act, without requiring any further or other security.

Power of Public Works

243. The Public Works Loan Commissioners may, on the

Loan Commissioners to lend to local authority on recommendation of Local Government Board.

application of any local authority and on the recommendation of the Local Government Board, make any loan to such authority in pursuance of any powers of borrowing conferred by this Act, whether for works already executed or yet to be executed, on the security of any fund or rate applicable to any of the purposes of this Act, and without requiring any further or other security, such loan to be repaid within a period not exceeding fifty years, and to bear interest at the rate of three and a half per centum per annum, or such other rate as may, in the judgment of the Commissioners of the Treasury, be necessary, in order to enable the loan to be made without loss to the Exchequer:

Provided,—

(1.) That in determining the time when a loan under this section shall be repayable, the Local Government Board shall have regard to the probable duration and continuing utility of the works in respect of which the same is required.

Where the local education authority have adopted Part V. of the P. H. Acts Amendment Act, 1890, they may borrow, with the consent of the Local Government Board, by the creation of stock.

P. H. Acts Amendment Act, 1890. Issue of stock.

52.—(1.) Where any authority, whether a municipal corporation, local board or improvement commissioners, which is an urban authority, have for the time being, either in their capacity as urban authority or in any other capacity (*a*), any power to borrow money, they may, with the consent of the Local Government Board, exercise such power by the creation of stock to be created, issued, transferred, dealt with, and redeemed in such manner and in accordance with such regulations as the Local Government Board may from time to time prescribe (*b*).

(2.) Without prejudice to the generality of the above power, such regulations (*b*) may provide for the discharge of any loan raised by such stock, and in the case of consolidation of debt for extending or varying the times within which loans may be discharged, and may provide for the consent of limited owners

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and for the application of the Acts relating to stamp duties and to cheques, and for the disposal of unclaimed dividends, and may apply for the purposes of this section, with or without modifications, any enactments of the Local Loans Act, 1875, and the Acts amending the same, and of any Act relating to stock issued by the Metropolitan Board of Works, or the County Council of London, or by the corporation of any municipal borough.

(3.) Such regulations (*b*) shall be laid before each House of Parliament for not less than thirty days during which such House sits, and if either House during such thirty days resolves that such regulations (*b*) ought not to be proceeded with, the same shall be of no effect, without prejudice nevertheless to the making of further regulations.

(4.) If no such resolution is passed, it shall be lawful for Her Majesty by Order in Council to confirm such regulations (*b*), and the same when so confirmed shall be deemed to have been duly made and to be within the powers of this Act, and shall be of the same force as if they were enacted in this Act.

(*a*) *E.g.*, in their capacity of local education authority.

(*b*) The regulations in force are those confirmed by Orders in Council of 26th September, 1891, and 3rd August, 1897, as amended by regulations confirmed by Order in Council of 8th August, 1901. The original regulations are too lengthy to insert here, they will be found in Stat. R. & O., 1891, p. 609, and 1897, p. 80 respectively. The amending regulations will be found at p. 583, *infra*.

Advances by local education authority to school boards (E. Act, 1902, Sch. II. (6)).

Where the liabilities of a school board transferred to the local education authority comprise a liability on account of money advanced by that authority to the school board, the Local Government Board may make such orders as they think fit :—

(a) For providing for the repayment of any debts incurred by the authority for the purposes of those advances within a period fixed by the order : and

(b) For the repayment to the proper fund or account of the amount so advanced, where the money advanced to the school board has been money standing to the credit of any sinking fund or redemption fund or capital money applied

under the L. G. Acts, 1888 and 1894, or either of them, for the repayment to the proper fund or account of the amount so advanced.

Any such order of the Local Government Board is to have effect as part of the E. Act, 1902.

Sub-sects. (1) and (5) of sect. 87 of the L. G. Act, 1888, will apply with respect to such order (E. Act, 1902, s. 23 (9)).

For the sub-sections see p. 172.

Should any adjustment be requisite, sect. 68 of the L. G. Act, 1894, is to apply (E. Act, 1902, Sch. II (22)).

For sect. 68 *see p.* 8.

Chapter IV.

ACCOUNTS AND AUDIT.

§ 1.—*In the case of a County Council.*

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Audit of accounts of county council.

The audit of a county council's accounts is carried out under sect. 71 of the L. G. Act, 1888, which provides:—

71.—(1.) The accounts of the receipts and expenditure of county councils shall be made up to the end of each local financial year as defined by this Act (*a*), and be in the form for the time being prescribed by the Local Government Board (*b*).

(2.) The provisions of the Municipal Corporations Act, 1882 (*c*), with respect to the return to the Local Government Board of the accounts of a council of a borough and to the accounts of the treasurer of the borough, and to the inspection and abstract thereof shall apply to the accounts of a county council, and of the treasurer and officers of such council, and the said provisions respecting the return to the Local Government Board shall extend to the return to that Board of a printed copy of the abstract of the said accounts.

(3.) The accounts of a county council and of the county treasurer and officers of such council, shall be audited by the district auditors appointed by the Local Government Board in like manner as accounts of an urban authority and their officers under sections two hundred and forty seven and two hundred and fifty, of the Public Health Act, 1875, and those sections and all enactments amending them (*d*) or applying to the audit by district auditors (*e*), including the enactments imposing penalties and providing for the recovery of sums, shall apply, in like manner as if, so far as they relate to an audit of the accounts of an urban authority and the officers of such authority, they were herein re-enacted with the necessary modifications, and accordingly all ratepayers and owners of

38 & 39 Vict c. 55.

property in the county shall have the like rights, and there shall be the same appeal as in the case of such audit. Provided that the First Schedule to the District Auditors Act, 1879, shall be modified in manner described in the Second Schedule to this Act (*f*).

42 & 43 Vict. c. 6.

(*a*) The end of the financial year is the 31st March, sects. 73, 74 of L. G. Act, 1888, providing:—

73.—(1.) After the appointed day, not being more than three years after the passing of this Act, the local financial year shall be twelve months ending the thirty-first day of March, and the accounts of the receipts and expenditure of every county council shall be made up for that year.

(2.) All enactments relating to accounts of local authorities, or the audit thereof, or to returns touching their receipts and expenditure, or to meetings, or other matters, shall be modified so far as is necessary for adapting them to the provisions of this section, and the Local Government Board shall from time to time give such orders and make such arrangements as appear to the Board to be necessary or proper for effecting such adaptation, and giving effect to the provisions of this section.

Annual budget of county councils.

74.—(1.) At the beginning of every local financial year, every county council shall cause to be submitted to them an estimate of the receipts and expenses of such council, during that financial year, whether on account of property, contributions, rates, loans or otherwise.

(2.) The council shall estimate the amount which will require to be raised in the first six months, and in the second six months of the said financial year by means of contributions.

(3.) If at the expiration of the first six months of such financial year it appears to the council that the amount of the contribution or rate estimated at the commencement of the year will be larger than is necessary or will be insufficient, the council may revise the estimate and alter accordingly the amount of the contribution or rate.

(*b*) See order of Local Government Board, March 16th, 1892 (Statutory Rules and Orders, 1892, p. 195).

(*c*) The provisions of the Municipal Corporations Act, 1882, are as follows:—

Half-yearly accounts of treasurer.

26. The treasurer shall make up his accounts half-yearly to such dates as the council, with the approval of the Local Government Board, from time to time appoint; and, subject to any such appointment, to the dates in use at the commencement of this Act.

Audit and publication of treasurer's accounts.

27.—(1.) The treasurer shall within one month from the date to which he is required to make up his accounts in each half year,

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submit them, with the necessary vouchers and papers, to the borough auditors, and they shall audit them.

(2.) After the audit of the accounts for the second half of each financial year the treasurer shall print a full abstract of his accounts for that year.

Returns to Local Government Board.

28.—(1.) The town clerk shall make a return to the Local Government Board of the receipts and expenditure of the municipal corporation for each financial year.

(2.) The return shall be made for the financial year ending on the twenty-fifth of March, or on such other day as the Local Government Board, on the application of the council, from time to time prescribe.

(3.) The return shall be in such form and contain such particulars as the Local Government Board from time to time direct.

(4.) The return shall be sent to the Local Government Board within one month after the completion of the audit for the second half of each financial year.

(5.) If the town clerk fails to make any return required under this section, he shall for each offence be liable to a fine not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.

(6.) The Local Government Board shall in each year prepare an abstract of the returns made in pursuance of this section, under general heads, and it shall be laid before both Houses of Parliament.

(*d*) Sects. 247 (as amended by District Auditors Act, 1879) and 250 of the P. H. Act, 1875, provide:—

Audit where urban authority are not a town council.

247. Where an urban authority are not the council of a borough the following regulations with respect to audit shall be observed; (namely,)

(1.) The accounts of the receipts and expenditure under this Act of such authority shall be audited and examined once in every year, as soon as can be after the twenty-fifth day of March (1), by the auditor of accounts relating to the relief of the poor (2) [*for the union in which the district of such authority or the greater part thereof is situate, unless such auditor is a member of the authority whose accounts he is appointed to audit, in which case such accounts shall be audited by such auditor of any adjoining union as may from time to time be appointed by the Local Government Board:*

(2.) *There shall be paid to such auditor in respect of each audit under this Act, such reasonable remuneration, not being less than two guineas for every day in which he is employed in such audit, as such authority from time to time appoint, together with his expenses of travelling to and from the place of audit* (3):]

(3.) Before each audit such authority shall, after receiving from the auditor the requisite appointment, give at least fourteen days notice of the time and place at which the same will be made, and of the deposit of accounts required by this section, by advertisement in some one or more of the local newspapers circulated in the district; and the production of the newspaper containing such notice shall be deemed to be sufficient proof of such notice on any proceeding whatsoever:

(4.) A copy of the accounts duly made up and balanced, together with all rate books account books deeds contracts accounts vouchers and receipts mentioned or referred to in such accounts, shall be deposited in the office of such authority, and be open, during office hours thereat, to the inspection of all persons interested for seven clear days before the audit, and all such persons shall be at liberty to take copies of or extracts from the same, without fee or reward; and any officer of such authority duly appointed in that behalf neglecting to make up such accounts and books, or altering such accounts and books, or allowing them to be altered when so made up, or refusing to allow inspection thereof, shall be liable to a penalty not exceeding five pounds:

(5.) For the purpose of any audit under this Act, every auditor may, by summons in writing, require the production before him of all books deeds contracts accounts vouchers receipts and other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books deeds contracts accounts vouchers receipts documents or papers to appear before him at any such audit or any adjournment thereof, and to make and sign a declaration as to the correctness of the same; and if any such person neglects or refuses so to do, or to produce any such books deeds contracts accounts vouchers receipts documents or papers, or to make or sign such declaration, he shall incur for every neglect or refusal a penalty not exceeding forty shillings (4); and if he falsely or corruptly makes or signs any such declaration, knowing the same to be untrue in any material particular, he shall be liable to the penalties inflicted on persons guilty of wilful and corrupt perjury (5).

(6.) Any ratepayer or owner of property in the district may be present at the audit, and may make any objection to such accounts before the auditor; and such ratepayers and owners shall have the same right of appeal against allowances by an auditor as they have by law against disallowances:

(7.) Any auditor acting in pursuance of this section shall disallow every item of account contrary to law, and surcharge the same on the person making or authorising the making of the illegal payment, and shall charge against any person accounting the

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amount of any deficiency or loss incurred by the negligence or misconduct of that person, or of any sum which ought to have been but is not brought into account by that person, and shall in every such case certify the amount due from such person, and on application by any party aggrieved shall state in writing the reasons for his decision in respect of such disallowance or surcharge, and also of any allowance which he may have made:

(8.) Any person aggrieved by disallowance made may apply to the Court of Queen's Bench for a writ of certiorari to remove the disallowance into the said court, in the same manner and subject to the same conditions as are provided in the case of disallowances by auditors under the laws for the time being in force with regard to the relief of the poor (6); and the said court shall have the same powers with respect to allowances disallowances and surcharges under this Act as it has with respect to disallowances or allowances by the said auditors; or in lieu of such application any person so aggrieved may appeal to the Local Government Board, which Board shall have the same powers in the case of the appeal as it possesses in the case of appeals against allowances disallowances and surcharges by the said poor law auditors (7).

(9.) Every sum certified to be due from any person by an auditor under this Act shall be paid by such person to the treasurer of such authority within fourteen days after the same has been so certified, unless there is an appeal against the decision; and if such sum is not so paid, and there is no such appeal, the auditor shall recover the same from the person against whom the same has been certified to be due by the like process and with the like powers as in the case of sums certified on the audit of the poor rate accounts (8), and shall be paid by such authority all such costs and expenses, including a reasonable compensation for loss of time incurred by him in such proceedings, as are not recovered by him from such person:

(10.) Within fourteen days after the completion of the audit, the auditor shall report on the accounts audited and examined, and shall deliver such report to the clerk of such authority, who shall cause the same to be deposited in their office, and shall publish an abstract of such accounts in some one or more of the local newspapers circulated in the district.

Where the provisions as to audit of any local Act constituting a board of improvement commissioners are repugnant to or inconsistent with those of this Act, the audit of the accounts of such improvement commissioners shall be conducted in all respects in accordance with the provisions of this Act.

Auditor to audit accounts of officers.

250. The accounts under this Act of officers or assistants of any local authority who are required to receive moneys or goods on

behalf of such authority shall be audited by the auditors or auditor of the accounts of such authority, with the same powers incidents and consequences as in the case of such last-mentioned accounts. Chap. IV.

(1) This will be of course the 31st March. See sect. 73 of L. G. Act, 1888, note (*a*), *supra*.

(2) That is the district auditor appointed by the Local Government Board under District Auditors Act, 1879 (42 & 43 Vict. c. 6, s. 4).

(3) Words in italics repealed by the District Auditors Act, 1879.

(4) Such penalty may be prosecuted and recovered in manner directed by the S. J. Acts before a Court of Summary Jurisdiction. *See P. H. Act*, 1875 (38 & 39 *Vict. c.* 55, *s.* 251).

(5) That is by fine and imprisonment with or without hard labour, at the discretion of the Court, or by penal servitude for a term not exceeding seven nor less than three years with the alternative of imprisonment for not exceeding two years with or without hard labour (Archbold's Criminal Pleadings, 21st Ed., p. 929).

(6) That is under the Poor Law Amendment Act, 1844 (7 & 8 Vict. c. 101, s. 35). *For Procedure on Certiorari see p.* 599.

(7) As to appeals to the Local Government Board in case of poor law auditors, see Poor Law Amendment Act, 1844 (7 & 8 Vict. c. 101, s. 36), and Poor Law Amendment Act, 1848 (11 & 12 Vict. c. 91).

(8) Sums certified on the audit of the poor rate accounts may be recovered under either :—

(a) Poor Law Amendment Acts, 1844 (7 & 8 Vict. c. 101, s. 32), and 1834 (4 & 5 Will. IV. c. 76, s. 99), and Poor Law Audit Act, 1848 (11 & 12 Vict. c. 91, s. 9); or

(b) S. J. Act, 1884 (47 & 48 Vict. c. 43, s. 11), *i.e.*, by distress warrant and commitment in either case, but with some differences of procedure according as one or other method is adopted.

(*e*) The enactments applying to audit by district auditors are 7 & 8 Vict. c. 101, ss. 32—36; 11 & 12 Vict. c. 91, ss. 4—9; 12 & 13 Vict. c. 103, ss. 9, 11; 29 & 30 Vict. c. 113, ss. 5—7; 42 Vict. c. 6.

(*f*) The Second Schedule to L. G. Act, 1888, provides :—

The following scale shall, until otherwise determined by Parliament, be substituted for so much of the scale set forth in the First Schedule to the District Auditors Act, 1879, as relates to expenditure amounting to £100,000 and upwards.

Where the Total of the Expenditure comprised in the Financial Statement is	The Sum shall be
£100,000 and under £150,000 . .	£50
£150,000 and under £200,000 . .	£60
£200,000 and upwards	£15 in addition for every £50,000 or part thereof.

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§ 2.—*In the case of a Borough.*

E. Act, 1902, s. 18 (3).

In the case of a borough separate accounts are to be kept by the council of their receipts and expenditure under the E. Act of 1902, and those accounts are to be made up and audited in like manner and subject to the same provision as the accounts of a county council, and the enactments relating to the audit of those accounts and to all matters incidental thereto and consequential thereon, including the penal provisions, are to apply, in lieu of those of the Municipal Corporations Act, 1882, relating to accounts and audit.

"**In like Manner . . . as the Accounts of a County Council.**"—*Vide supra*, p. 186.

"**Enactments relating to Audit of those Accounts.**"—*Vide supra*, notes to sect. 71 of L. G. Act, 1888, pp. 187—191.

"**In lieu of those of the Municipal Corporations Act, 1882.**"—It will be seen on referring to sect. 71, sub-sect. (2), of the L. G. Act, 1888, *supra*, that the provisions of sects. 26, 27, and 28 of the Municipal Corporations Act, 1882, will still apply to the accounts of a borough, and that sect. 25 of that Act, which makes provision for borough auditors, is alone excluded. The reasons for adopting the Government system of audit appear to be — first, that there is a distinction between the expenditure under the E. Act, 1902, and any other expenditure incurred by a municipal authority, because more than half the sum is received from the Imperial Exchequer; secondly, Parliament having laid down the lines on which the money is to be spent, without a system of Government audit it would be impossible to tell whether the orders of Parliament are obeyed.

§ 3.—*In the case of an Urban District Council.*

L. G. Act, 1894, s. 58 (1).

The accounts of the receipts and payments of district councils and their committees and officers are made up yearly to the 31st day of March, or where a half-yearly audit is required to the 30th September and 31st of March, in such form as the Local Government Board prescribe.

Ibid. (2).

Such accounts are audited by a district auditor, and the enactments relating to audit by district auditors of accounts of urban sanitary authorities and their officers, and to all matters incidental thereto and consequential thereon, apply.

Ibid. (3).

The Local Government Board, however, have power to make rules modifying the enactments as to publication of notice of

the audit and of the abstract of accounts and the report of the auditor.

"**Such Form as the Local Government Board Prescribe.**"—See Local Boards' Accounts Order, 1888, *St. R. & O., Rev. Vol.* 8, *p.* 164, and Improvement Commissioners Account Order, 1881, *St. R. & O., Rev. Vol.* 8, *p.* 193.

"**The Enactments relating to Audit by District Auditors of the Accounts of Urban Sanitary Authorities.**"—For these see sects. 247—250 of P. H. Act, 1875, as amended by District Auditors Act, 1879, s. 5, *supra*, pp. 188—191.

§ 4.—*In case of Education Committee and Managers.*

When any receipts or payments of money under the E. Act, 1902, are entrusted by the local education authority to any education committee, or managers of any public elementary school, the accounts of those receipts and payments are to be accounts of the local education authority, but the auditor of those accounts is to have the same powers with respect to managers as he would if the managers were officers of the local education authority.

Where receipts or payments entrusted to education committee or managers (E. Act, 1902, s. 18 (5)).

Cross References.—Education Committee, p. 1; Managers, p. 78.

"**Entrusted to any Education Committee or Managers.**"—For the powers of the local education authority to delegate powers to education committee, see p. 18; to managers, see p. 96.

"**Auditor to have same Powers . . . as if Managers were Officers of Local Education Authority.**"—As to auditors' powers in case of the officers of the local education authority, see P. H. Act, 1875, note (*d*) to sect. 71 of L. G. Act, 1888, *ante*, p. 188.

§ 5.—*In case of Joint Industrial Schools.*

Where two or more local education authorities combine for the establishment of a joint industrial school under a joint body of managers, the enactments relating to the audit of local education authority accounts are to apply as if the joint body of managers were a local education authority.

E. E. Act, 1900, s. 5. E. Act, 1902, Sch. III. (1).

See Audit Regulations, p. 545.

APPENDIX A.

THE EDUCATION ACTS, 1870—1902.

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ELEMENTARY EDUCATION ACT, 1870.

33 & 34 VICT. c. 75.

An Act to provide for public Elementary Education in England and Wales. [*9th August*, 1870.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: (that is to say,)

Preliminary.

Short title. **1.** This Act may be cited as "The Elementary Education Act, 1870."

Extent of Act. **2.** This Act shall not extend to Scotland or Ireland.

Definition of terms. **3.** In this Act—

The term "metropolis" means the places for the time being within the jurisdiction of the Metropolitan Board of Works under the Metropolis Management Act, 1855.

The term "borough" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign

of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the regulation of municipal corporations in England and Wales," and the Acts amending the same:

The term "parish" means a place for which for the time being a separate poor rate is or can be made:

The term "person" includes a body corporate:

The term "Education Department" means "the Lords of the Committee of the Privy Council on Education":

The term "Her Majesty's inspectors" means the inspectors of schools appointed by Her Majesty on the recommendation of the Education Department: *See p.* 40.

The term "managers" includes all persons who have the management of any elementary school, whether the legal interest in the schoolhouse is or is not vested in them:

The term "teacher" includes assistant teacher, pupil teacher, sewing mistress, and every person who forms part of the educational staff of a school: *See p.* 53.

The term "parent" includes guardian and every person who is liable to maintain or has the actual custody of any child: *See pp.* 40, 73.

The term "elementary school" means a school or department of a school at which elementary education is the principal part of the education there given, and does not include any school or department of a school at which the ordinary payments in respect of the instruction, from each scholar, exceed ninepence a week: *See p.* 22.

The term "schoolhouse" includes the teacher's dwelling house, and the playground (if any) and the offices and all premises belonging to or required for a school: *See p.* 91.

The term "vestry" means the ratepayers of a parish meeting in vestry according to law:

The term "ratepayer" includes every person who, under the provisions of the Poor Rate Assessment and Collection Act, 1869, is deemed to be duly rated:

The term "parliamentary grant" means a grant made in aid of an elementary school, either annually or otherwise, out of moneys provided by Parliament for the civil service, intituled "For public education in Great Britain."

(I.) Local Provision for Schools.

4. [*Description of school districts.*—Repealed by E. Act, 1900.]

Supply of Schools.

School district to have sufficient public schools.

5 (*a*). There shall be provided for every school district a sufficient amount of accommodation in public elementary schools

(*a*) Sect. 5 is repealed by E. Act, 1902, except so far as it defines public school accommodation.

(as hereinafter defined) available for all the children resident in such district for whose elementary education efficient and suitable provision is not otherwise made, and where there is an insufficient amount of such accommodation, in this Act referred to as "public school accommodation," the deficiency shall be supplied in manner provided by this Act. *See pp.* 24, 89.

6. [*Supply of schools in case of deficiency.*—Repealed by E. Act, 1902.]

Regulations for conduct of public elementary school.

7. Every elementary school which is conducted in accordance with the following regulations shall be a public elementary school within the meaning of this Act; and every public elementary school shall be conducted in accordance with the following regulations (a copy of which regulations shall be conspicuously put up in every such school); namely,

(1.) It shall not be required, as a condition of any child being admitted into or continuing in the school, that he shall attend or abstain from attending any Sunday school, or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere, from which observance or instruction he may be withdrawn by his parent, or that he shall, if withdrawn by his parent, attend the school on any day exclusively set apart for religious observance by the religious body to which his parent belongs:

(2.) The time or times during which any religious observance is practised or instruction in religious subjects is given at any meeting of the school shall be either at the beginning or at the end or at the beginning and the end of such meeting, and shall be inserted in a time table to be approved by the Education Department, and to be kept permanently and conspicuously affixed in every schoolroom; and any scholar may be withdrawn by his parent from such observance or instruction without forfeiting any of the other benefits of the school:

(3.) The school shall be open at all times to the inspection of any of Her Majesty's inspectors, so, however, that it shall be no part of the duties of such inspector to inquire into any instruction in religious subjects given at such school, or to examine any scholar therein in religious knowledge or in any religious subject or book:

(4.) The school shall be conducted in accordance with the conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant. *See pp.* 21, 103.

Proceedings for Supply of Schools.

8. [*Determination by Education Department of deficiency of public school accommodation.*—Repealed by E. Act, 1902.]

9. [*Notice by Education Department of public school accommodation required.*—Repealed by E. Act, 1902.]

10. [*Formation of school board and requisition to provide schools.*—Repealed by E. Act, 1902.]

11. [*Proceedings on default of school board.*—Repealed by E. Act, 1902.]

12. [*Formation of school boards without inquiry upon application.*—Repealed by E. Act, 1902.]

13. [*Proceedings by Education Department after the first year.*—Repealed by E. Act, 1902.]

Management and Maintenance of Schools by School Board (a).

Management of school by school board.

14. Every school provided by a school board (*a*) shall be conducted under the control and management of such board (*a*) in accordance with the following regulations:

(1.) The school shall be a public elementary school within the meaning of this Act: *See p.* 85.

(2.) No religious catechism or religious formulary which is distinctive of any particular denomination shall be taught in the school. *See p.* 86.

15. [*Appointment of managers by school board.*—Repealed by E. Act, 1902.]

16. [*Neglect by board of regulations of public elementary schools.*—Repealed by E. Act, 1902.]

Fees of children.

17. Every child attending a school provided by any school board (*a*) shall pay such weekly fee as may be prescribed by the school board (*a*), with the consent of the Education Department (*b*), but the school board (*a*) may from time to time, for a renewable period not exceeding six months, remit the whole or any part of such fee in the case of any child when they are of opinion that the parent of such child is unable from poverty to pay the same, but such remission shall not be deemed to be parochial relief given to such parent.

Maintenance by school board of schools and sufficient school accommodation.

18. The school board (*a*) shall maintain and keep efficient every school provided by such board, and shall from time to time provide such additional school accommodation as is [*in their opinion* (*c*)] necessary in order to supply a sufficient amount of public school accommodation for their district.

A school board may discontinue any school provided by them, or change the site of any such school, if they satisfy the Education Department (*b*) that the school to be discontinued is unnecessary, or that such change of site is expedient. *See p.* 35.

[The rest of the section repealed by E. Act, 1902.]

Powers of school board for providing schools.

19. Every school board (*a*) for the purpose of providing sufficient public school accommodation for their district, [*whether in obedience*

(*a*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

(*b*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*c*) For the words in italics the words "in the opinion of the Board of Education" are now substituted: E. Act, 1902, Sch. III. (6).

to any requisition or not (*a*)] may provide, by building or otherwise, schoolhouses properly fitted up, and improve, enlarge, and fit up any schoolhouse provided by them, and supply school apparatus and everything necessary for the efficiency of the schools provided by them, and purchase and take on lease any land, and any right over land, or may exercise any of such powers.

Compulsory purchase of sites.

20. With respect to the purchase of land by school boards (*b*) for the purposes of this Act the following provisions shall have effect; (that is to say,)

Regulations as to the purchase of land compulsorily.

(1.) The Lands Clauses Consolidation Act, 1845, and the Acts amending the same, shall be incorporated with this Act, except the provisions relating to access to the special Act; and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean the school board (*a*), and land shall be construed to include any right over land:

(2.) The school board (*b*) before putting in force any of the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, shall—

Publication of notices.

(a.) Publish (*c*), during three consecutive weeks in the months of October and November, or either of them, a notice describing shortly the object for which the land is proposed to be taken, naming a place where a plan of the land proposed to be taken may be seen at all reasonable hours, and stating the quantity of land that they require; and shall further,

Services of notices.

(b.) After such publication, serve a notice in manner mentioned in this section on every owner or reputed owner, lessee or reputed lessee, and occupier of such land, defining in each case the particular land intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such land;

(c.) Such notice shall be served—

(a.) By delivery of the same personally on the person required to be served, or, if such person is absent abroad, to his agent; or

(b.) By leaving the same at the usual or last known place of abode of such person as aforesaid, or by forwarding the same by post in a registered letter, addressed to the usual or last known place of abode of such person.

Petition to Education Department.

(3.) Upon compliance with the provisions contained in this section with respect to notices the school board (*b*) may, if they think fit, present a petition under their seal to the Education

(*a*) Words in italics repealed by E. Act, 1902.

(*b*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

(*c*) For mode of publication, see E. E. Act, 1873, s. 20.

Department (*a*), praying that an order may be made authorising the school board (*b*) to put in force the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, so far as regards the land therein mentioned; the petition shall state the land intended to be taken and the purposes for which it is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking of such land, or who have returned no answer to the notice, and shall be supported by such evidence as the Education Department (*a*) may from time to time require:

(4.) If, on consideration of the petition and proof of the publication and service of the proper notices, the Education Department (*a*) think fit to proceed with the case, they may, if they think fit, appoint some person to inquire in the district in which the land is situate respecting the propriety of the proposed order, and also direct such person to hold a public inquiry:

(5.) After such consideration and proof, and after receiving a report made upon any such inquiry, the Education Department (*a*) may make the order prayed for, authorising the school board (*b*) to put in force with reference to the land referred to in such order the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as they may think fit, and it shall be the duty of the school board (*b*) to serve a copy of any order so made in the manner and upon the persons in which and upon whom notices in respect of the land to which the order relates are required by this Act to be served:

No order valid until confirmed by Parliament.

(6.) No order so made shall be of any validity unless the same has been confirmed by Act of Parliament; and it shall be lawful for the Education Department (*a*), as soon as conveniently may be, to obtain such confirmation, and the Act confirming such order shall be deemed to be a public general Act of Parliament:

(7.) The Education Department (*a*) in case of their refusing or modifying such order, may make such order as they think fit for the allowance of the costs, charges, and expenses of any person whose land is proposed to be taken of and incident to such application and inquiry respectively:

Costs how to be defrayed.

(8.) All costs, charges, and expenses incurred by the Education Department (*a*) in relation to any order under this section shall, to such amount as the Commissioners of Her Majesty's Treasury think proper to direct, and all costs, charges, and

(*a*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*b*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

expenses of any person which shall be so allowed by the Education Department (*a*) as aforesaid shall, become a charge upon the school fund (*b*) of the district (*c*) to which such order relates, and be repaid to the said Commissioners of Her Majesty's Treasury or to such person respectively, by annual instalments not exceeding five, together with interest after the yearly rate of five pounds in the hundred, to be computed from the date of any such direction of the said Commissioners, or allowance of such costs, charges, and expenses respectively upon so much of the principal sum due in respect of the said costs, charges, and expenses as may from time to time remain unpaid. *See p.* 167.

The School Sites Acts (*d*) as defined in the fourth schedule to this Act shall apply in the same manner as if the school board (*e*) were trustees or managers of a school within the meaning of those Acts, and land may be acquired under any of the Acts mentioned in this section, or partly under one and partly under another Act. *See p.* 26.

Purchase of land by managers of public elementary school.

21. For the purpose of the purchase by the managers of any public elementary school of a schoolhouse for such school, or a site for the same, "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same, (except so much as relates to the purchase of land otherwise than by agreement,) shall be incorporated with this Act; and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean such managers, and land shall be construed to include any right over land.

The conveyance of any land so purchased may be in the form prescribed by the School Sites Acts (*d*), or any of them, with this modification, that the conveyance shall express that the land shall be held upon trust for the purposes of a public elementary school within the meaning of this Act, or some one of such purposes which may be specified, and for no other purpose whatever.

Land may be acquired under the Acts incorporated with this section, or under the School Sites Acts (*d*), or any of them, or partly under one and partly under another Act.

Any persons desirous of establishing a public elementary school shall be deemed to be managers for the purpose of this section if

(*a*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*b*) References to the school fund are to be construed as references to the fund out of which the expenses of the local education authority are payable: E. Act, 1902, Sch. III. (2), see pp. 147—156.

(*c*) References to school districts are to be construed as references to the areas for which local education authorities act: E. Act, 1902, Sch. III. (1).

(*d*) For School Sites Acts see p. 387.

(*e*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

they obtain the approval of the Education Department (*a*) to the establishment of such school.

Sale or lease of schoolhouse.

22. The provisions of the Charitable Trusts Acts, 1853 to 1869, which relate to the sale, leasing, and exchange of lands belonging to any charity, shall extend to the sale, leasing, and exchange of the whole or any part of any land or schoolhouse belonging to a school board which may not be required by such board, with this modification, that the Education Department (*a*) shall for the purposes of this section be deemed to be substituted in those Acts for the Charity Commissioners. *See p.* 26.

Managers may transfer school to school board.

23. The managers of any elementary school in the district (*b*) of a school board (*c*) may, in manner provided by this Act, make an arrangement with the school board (*c*) for transferring their school to such school board (*c*), and the school board (*c*) may assent to such arrangement. *See p.* 94.

An arrangement under this section may be made by the managers by a resolution or other act as follows; (that is to say,)

(1.) Where there is any instrument declaring the trusts of the school, and such instrument provides any manner in which or any assent with which a resolution or act binding the managers is to be passed or done, then in accordance with the provisions of such instrument:

(2.) Where there is no such instrument, or such instrument contains no such provisions, then in the manner and with the assent, if any, in and with which it may be shown to the Education Department (*a*) to have been usual for a resolution or act binding such managers to be passed or done:

(3.) If no manner or assent can be shown to have been usual, then by a resolution passed by a majority of not less than two thirds of those members of their body who are present at a meeting of the body summoned for the purpose, and vote on the question, and with the assent of any other person whose assent under the circumstances appears to the Education Department (*a*) to be requisite.

And in every case such arrangement shall be made only—

(1.) With the consent of the Education Department (*a*); and,

(2.) If there are annual subscribers to such school, with the consent of a majority, not being less than two thirds in number, of those of the annual subscribers who are present at a meeting duly summoned for the purpose, and vote on the question.

Provided that where there is any instrument declaring the trusts

(*a*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*b*) References to school districts are to be construed as references to the areas for which local education authorities act: E. Act, 1902, Sch. III. (1).

(*c*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

of the school, and such instrument contains any provision for the alienation of the school by any persons or in any manner or subject to any consent, any arrangement under this section shall be made by the persons in the manner and with the consent so provided.

Where it appears to the Education Department (*a*) that there is any trustee of the school who is not a manager, they shall cause the managers to serve on such trustee, if his name and address are known, such notice as the Education Department (*a*) think sufficient; and the Education Department (*a*) shall consider and have due regard to any objections and representations he may make respecting the proposed transfer.

The Education Department (*a*) shall consider and have due regard to any objections and representations respecting the proposed transfer which may be made by any person who has contributed to the establishment of such school.

At the expiration of six months from the date of transfer the consent of the Education Department (*a*) shall be conclusive evidence that the arrangement has been made in conformity with this section.

An arrangement under this section may provide for the absolute conveyance to the school board (*b*) of all the interest in the schoolhouse possessed by the managers or by any person who is trustee for them or for the school, or for the lease of the same, with or without any restrictions, and either at a nominal rent or otherwise, to the school board (*b*), or for the use by the school board (*b*) of the schoolhouse during part of the week, and for the use of the same by the managers or some other person during the remainder of the week, or for any arrangement that may be agreed on. The arrangement may also provide for the transfer or application of any endowment belonging to the school, or for the school board (*b*) undertaking to discharge any debt charged on the school not exceeding the value of the interest in the schoolhouse or endowment transferred to them.

When an arrangement is made under this section the managers may, whether the legal interest in the schoolhouse or endowment is vested in them or in some person as trustee for them or the school, convey to the school board (*b*) all such interest in the schoolhouse and endowment as is vested in them or in such trustee, or such smaller interest as may be required under the arrangement.

Nothing in this section shall authorise the managers to transfer any property which is not vested in them, or a trustee for them, or held in trust for the school; and where any person has any right given him by the trusts of the school to use the school for any particular purpose independently of such managers, nothing in this section shall authorise any interference with such right except with the consent of such person.

(*a*) Now the Board of Education : Board of Education Act, 1889, sect. 2 (1).

(*b*) References to school boards to be construed as references to local education authorities : E. Act, 1902, Sch. III. (1).

Every school so transferred shall, to such extent and during such times as the school board (*a*) have under such arrangement any control over the school, be deemed to be a school provided by the school board (*a*). *See p.* 22.

Re-transfer of school by school board to managers.

24. Where any school or any interest therein has been transferred by the managers thereof to the school board (*a*) of any school district (*b*) in pursuance of this Act, the school board (*a*) of such district (*b*) may, by a resolution passed as herein-after mentioned, and with the consent of the Education Department (*c*), re-transfer such school or such interest therein to a body of managers qualified to hold the same under the trusts of the school as they existed before such transfer to the school board (*a*), and upon such re-transfer may convey all the interest in the schoolhouse and in any endowment belonging to the school vested in the school board (*a*).

A resolution for the purpose of this section may be passed by a majority of not less than two thirds of those members of the school board who are present at a meeting duly convened for the purpose and vote on the question.

The Education Department (*c*) shall not give their consent to any such re-transfer unless they are satisfied that any money expended upon such school out of a loan raised by the school board (*a*) of such district has been or will on the completion of the re-transfer be repaid to the school board (*a*).

Every school so re-transferred shall cease to be a school provided by a school board (*a*), and shall be held upon the same trusts on which it was held before it was transferred to the school board (*a*). *See p.* 95.

Miscellaneous Powers of School Board.

25. [*Payment of school fees.*—Repealed by Elementary Education Act, 1876, sect. 10.]

26. [*Establishment of free school in special cases.*—Repealed by Elementary Education Act, 1891.]

Contribution to industrial schools. 29 & 30 Vict. c. 118.

27. A school board (*a*) shall have the same powers of contributing money in the case of an industrial school as is given to a prison authority by section twelve of "The Industrial Schools Act, 1866" (*d*); and upon the election of a school board (*a*) in a borough the council of that borough shall cease to have power to contribute under that section. *See p.* 33.

28. A school board (*a*) may, with the consent of the Education Department (*c*), establish, build, and maintain a certified industrial

(*a*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

(*b*) References to school districts are to be construed as references to the areas for which local education authorities act: E. Act, 1902, Sch. III. (1).

(*c*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*d*) For Industrial Schools Act, 1866, see p. 353.

school within the meaning of the Industrial Schools Act, 1866, and shall for that purpose have the same powers as they have for the purpose of providing sufficient school accommodation for their district: Provided that the school board (*a*), so far as regards any such industrial school, shall be subject to the jurisdiction of one of Her Majesty's Principal Secretaries of State in the same manner as the managers of any other industrial school are subject, and such school shall be subject to the provisions of the said Act, and not of this Act. *See p.* 34.

Establishment of industrial school.

Constitution of School Boards.

29. [*School board.*—Repealed by E. Act, 1902.]

30. [*Constitution of school board.*—Repealed by E. Act, 1902.]

31. [*Election of school board.*—Repealed by E. Act, 1902.]

32. [*Non-election, &c., of school board.*—Repealed by E. Act, 1902.]

33. [*Determination of disputes as to the election of school boards.*—Repealed by Municipal Elections (Corrupt and Illegal Practices) Act, 1884.]

34. [*Disqualification of member of board.*—Repealed by E. Act, 1902.]

35. A school board (*a*) may appoint [*a clerk and a treasurer and other* (*b*)] necessary officers, including the teachers required for any school provided by such board (*a*), to hold office during the pleasure of the board (*a*) and may assign them such salaries or remuneration (if any) as they think fit, and may from time to time remove any of such officers; [*but no such appointment shall be made, except at the first meeting of such board, unless notice in writing has been sent to every member of the board* (*b*)].

Appointment of officers.

Two or more school boards (*a*) may arrange for the appointment of the same person to be an officer to both or all such boards (*a*).

Such officers shall perform such duties as may be assigned to them by the board or boards (*a*) who appoint them. *See p.* 53.

36. Every school board (*a*) may, if they think fit, appoint an officer or officers to enforce any byelaws under this Act with reference to the attendance of children at school, and to bring children who are liable under the Industrial Schools Act, 1866, to be sent to a certified industrial school before two justices in order to their being so sent, and any expenses incurred under this section may be paid out of the school fund (*c*). *See pp.* 54, 56, 166.

Officer to enforce attendance at school.

(*a*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

(*b*) Words in italics repealed by E. Act, 1902.

(*c*) References to the school fund are to be construed as references to the fund out of which the expenses of the local education authority are payable: E. Act, 1902, Sch. III. (2). See pp. 147—156.

School Board in Metropolis (a).

School board in metropolis.

37. The provisions of this Act with respect to the formation and the election of school boards in boroughs and parishes shall not extend to the metropolis; and with respect to a school board in the metropolis the following provisions shall have effect:

(1.) The school board shall consist of such number of members elected by the divisions specified in the fifth schedule to this Act as the Education Department may by order fix:

(2.) The Education Department, as soon as may be after the passing of this Act, shall by order determine the boundaries of the said divisions for the purposes of this Act, and the number of members to be elected by each such division:

(3.) The provisions of this Act with respect to the constitution of the school board shall extend to the constitution of the school board under this section, and the name of the school board shall be the School Board for London:

(4.) The first election of the school board shall take place on such day, as soon as may be after the passing of this Act, as the Education Department may appoint, and subsequent elections shall take place in the month of November every third year on the day from time to time appointed by the school board:

(5.) At every election for each division every voter shall be entitled to a number of votes equal to the number of the members of the school board to be elected for such division, and may give all such votes to one candidate, or may distribute them among the candidates, as he thinks fit:

(6.) Subject to the provisions contained in this section and in any order made by the Education Department under the power contained in the second schedule to this Act, the members of the board shall, in the city of London, be elected by the same persons and in like manner as common councilmen are elected, and in the other divisions of the metropolis shall be elected by the same persons and in the same manner as vestrymen under The Metropolis Management Acts, 1855, and the Acts amending the same; and, subject as aforesaid, the Acts relating to the election of common councilmen, and sections fourteen to nineteen, and twenty-one to twenty-seven, all inclusive, of The Metropolis Management Act, 1855, and section thirty-six of The Metropolis Management Amendment Act, 1862, shall, so far as is consistent with the tenor thereof, apply in the case of the election of members of the school board:

(7.) The school board shall proceed at once to supply their

(a) The Education Act of 1902, except as expressly provided, does not apply to London: sect. 27 (1).

district with sufficient public school accommodation, and any requisition sent by the Education Department to such board may relate to any of the divisions mentioned in the fifth schedule to this Act in like manner as if it were a school district, and it shall not be necessary for the Education Department to publish any notices before sending such requisition :

(8.) The Education Department may, in the order fixing the boundaries of such divisions, name some person who shall be the returning officer for the purposes of the first election of the school board, and the person who is to be the deputy returning officer in each such division :

(9.) The chairman of the school board shall be elected by the school board, and any chairman who may be elected by the board may be elected either from the members of the board or not, and any chairman who is not an elected member of the board shall, by virtue of his office, be a member of the board as if he had been so elected :

(10.) [Repealed by Elementary Education Act, 1873.]

(11.) For obtaining payment of the amount specified in any precept sent by the school board to the rating authority for any part of the metropolis, the school board, in addition to any other powers and remedies, shall have the like powers as the Metropolitan Board of Works have for obtaining payment of any sum assessed by them on the same part of the metropolis.

Payment of chairman.

38. The school board for London may pay to the chairman of such board such salary as they may from time to time, with the sanction of the Education Department, fix.

Alteration of number of members.

39. If at any time application is made to the Education Department by the school board for London, or by any six members of that board, and it is shown to the satisfaction of the Education Department that the population of any of the divisions mentioned in the fifth schedule to this Act, as shown by any census taken under the authority of Parliament, has varied materially from that shown by the previous census, or that the rateable value of any of the said divisions has materially varied from the rateable value of the same division ten years previously, the Education Department, after such inquiry as they think necessary, may, if they think fit, make an order altering, by way of increase or decrease, the number of members of that and any other division.

United School Districts.

40. [*Formation by Education Department of united districts.*—Repealed by E. Act, 1902.]

41. [*Conditions of formation of district.*—Repealed by E. Act, 1902.]

42. [*As to dissolution of united school district.*—Repealed by E. Act, 1902.]

43. [*Public inquiry as to united district in future.*—Repealed by E. Act, 1902.]

44. [*Order to be evidence of formation or dissolution.*—Repealed by E. Act, 1902.]

45. [*Constitution of school board in united school district.*—Repealed by E. Act, 1902.]

46. [*Election of school board in united school district.*—Repealed by E. Act, 1902.]

47. [*Arrangements on formation of united district.*—Repealed by E. Act, 1902.]

48. [*As to small parishes.*—Repealed by E. Act, 1902.]

Contributory Districts.

49. [*Contributory district.*—Repealed by E. Act, 1902.]

50. [*Election of members by contributory district.*—Repealed by E. Act, 1902.]

51. [*Notices and public inquiry as to contributory district.*—Repealed by E. Act, 1902.]

Combination of school boards.

52. The school boards (*a*) of any two or more school districts (*b*), with the sanction of the Education Department (*c*), may combine together for any purpose relating to elementary schools in such districts (*b*), and in particular may combine for the purpose of providing, maintaining, and keeping efficient schools common to such districts (*b*). Such agreements may provide for the appointment of a joint body of managers [*under the provisions of this Act with respect to the appointment of a body of managers* (*d*)], and for the proportion of the contributions to be paid by each school district (*b*), and any other matters which, in the opinion of the Education Department (*c*), are necessary for carrying out such agreement, and the expenses of such joint body of managers, shall be paid in the proportions specified in the agreement by each of the school boards (*a*) out of their school fund (*e*). *See p.* 4.

53. [*School fund of school board.*—Repealed by E. Act, 1902.]

54. [*Deficiency of school fund raised out of rates.*—Repealed by E. Act, 1902.]

(*a*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

(*b*) References to school districts are to be construed as references to the areas for which local education authorities act: E. Act, 1902, Sch. III. (1).

(*c*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*d*) The words in italics are repealed by E. Act, 1902.

(*e*) References to the school fund are to be construed as references to the fund out of which the expenses of the local education authority are payable: E. Act, 1902, Sch. III. (2). See pp. 147—156.

55. [*Apportionment of school fund in united and contributory district.*—Repealed by E. Act, 1902.]

56. [*Remedy of school board on default of rating authority, &c.*—Repealed by E. Act, 1902.]

57. [*Borrowing by school board.*—Repealed by E. Act, 1902.]

58. Any sum borrowed by the school board for London in pursuance of this Act, with the approval of the Education Department, may be borrowed from and may be lent by the Metropolitan Board of Works, and section thirty-seven of The Metropolitan Board of Works Loan Act, 1869, shall apply to such loan in the same manner as if the managers therein mentioned were the school board for London, and there were added to the sum therein authorised to be borrowed the sum authorised by the Education Department to be borrowed under this section (*a*). Borrowing by school board for London.

Accounts and Audit.

59. [*Accounts to be made up and examined.*—Repealed by E. E. Act, 1873.]

60. [*Audit of accounts.*—Repealed by District Auditors Act, 1879, and E. Act, 1902.]

61. [*Penalty for improper payment of surcharge.*—Repealed by E. Act, 1902.]

62. [*Publication of accounts.*—Repealed by E. Act, 1902.]

Defaulting School Board.

63. [*Proceedings on default by school board.*—Repealed by E. Act, 1902.]

64. [*Certificate of Education Department as to appointment, expenses, and loans.*—Repealed by E. Act, 1902.]

65. [*Expenses incurred on default.*—Repealed by E. Act, 1902.]

66. [*Dissolution of school boards.*—Repealed by E. Act, 1902.]

Returns and Inquiry.

67. On or before the first day of January one thousand eight hundred and seventy-one, or in the case of the metropolis before the expiration of four months from the date of the election of the chairman of the school board (*b*), every local authority herein-after mentioned, and subsequently any such local authority whenever required by the Education Department (*c*), but not oftener than once in every year, shall send to the Education Department (*c*) a Returns by local authority.

(*a*) The E. Act, 1902, except as expressly provided, does not apply to London : sect. 27 (1).

(*b*) References to school boards to be construed as references to local education authorities : E. Act, 1902, Sch. III. (1).

(*c*) Now the Board of Education : Board of Education Act, 1899, sect. 2 (1).

return containing such particulars with respect to the elementary schools and children requiring elementary education in their district (*a*) as the Education Department (*b*) may from time to time require. *See p.* 62.

Mode of obtaining returns.

68. For the purpose of obtaining such returns the Education Department (*b*) shall draw up forms, and supply to the local authority such number of forms as may be required; and the managers or principal teacher of every school required to be included in any such return shall fill up the form, and return the same to the local authority within the time specified in that behalf in the form. *See p.* 62.

Local authority to make returns.

69. The returns shall be made [*in the metropolis* (*c*)] by the school board.

The local authority may, with the sanction of the Education Department (*b*), employ persons to assist in making such returns, and may pay those persons such remuneration as the Treasury may sanction. That remuneration, and all such other reasonable expenses incurred by the local authority in making such returns as the Treasury may sanction, shall be paid by the Education Department (*b*). *See pp.* 63, 167.

[*This section partly repealed by E. Act*, 1902.]

Proceedings on default of authority to make returns.

70. If any local authority fail to make the returns required under this Act, the Education Department (*b*) may appoint any person or persons to make such returns, and the person or persons so appointed shall for that purpose have the same powers and authorities as the local authority. *See p.* 63.

Inquiry by inspectors of Education Department.

71. The Education Department (*b*) may appoint any persons to act as inspector of returns, who shall proceed to inquire into the accuracy and completeness of any one or more returns made in pursuance of this Act, and into the efficiency and suitability of any school mentioned in any such return, or which ought to have been mentioned therein, and to inspect and examine the scholars in every such school. Where there is no return the inspector shall proceed as if there had been a defective return. *See p.* 63.

Refusal to fill up forms and to admit inspectors.

72. If the managers or teachers of any school refuse or neglect to fill up the form required for the said return, or refuse to allow the inspector to inspect the schoolhouse or examine any scholar, or examine the school books and registers, or make copies or extracts therefrom, such school shall not be taken into consideration among the schools giving efficient elementary education to the district (*a*). *See pp.* 62, 63.

(*a*) References to school districts are to be construed as references to the areas for which local education authorities act: E. Act, 1902, Sch. III. (1).

(*b*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*c*) The E. Act, 1902, except as expressly provided, does not apply to London: sect. 27 (1).

Public Inquiry.

Public inquiry.

73. Where a public inquiry is held in pursuance of the provisions of this Act the following provisions shall have effect.

(1.) The Education Department (*a*) shall appoint some person who shall proceed to hold the inquiry:

(2.) The person so appointed shall for that purpose hold a sitting or sittings in some convenient place in the neighbourhood [*of the school district* (*b*)] to which the subject of inquiry relates, and thereat shall hear, receive, and examine any evidence and information offered, and hear and inquire into any objections or representations made respecting the subject of the inquiry, with power from time to time to adjourn any sitting.

Notice shall be published in such manner as the Education Department (*a*) direct of every such sitting (except an adjourned sitting) seven days at least before the holding thereof:

(3.) The person so appointed shall make a report in writing to the Education Department (*a*) setting forth the result of the inquiry, and stating his opinion on the subject thereof, and his reasons for such opinion, and the objections and representations, if any, made on the inquiry, and his opinion thereon; and the Education Department (*a*) shall cause a copy of such report to be deposited with the school board [(*if any*), *or, if there is none, the town clerk of the borough, or the churchwardens or overseers of the parishes to which the inquiry relates* (*b*)], and notice of such deposit to be published:

(4.) The Education Department (*a*) may make an order directing that the costs of the proceedings and inquiry shall be paid, according as they think just, either by the district (*c*) as if they were expenses of a school board (*d*), or by the applicants for the inquiry; and such costs may be recovered, in the former case, as a debt due from the school board (*d*), [*or, if there is no school board, as a debt due from the rating authority* (*b*)], and, in the case of the applicants, as a debt due jointly and severally from them; and the Education Department (*a*) may, if they think fit, before ordering the inquiry to be held, require the applicants to give security for such expenses, and in case of their refusal may refuse to order the inquiry to be held. *See pp.* 12, 25, 75, 167.

(*a*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*b*) Words in italics repealed by E. Act, 1902.

(*c*) References to school districts are to be construed as references to the areas for which local authorities act: E. Act, 1902, Sch. III. (1).

(*d*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

Attendance at School.

As to attendance of children at school.

74. Every school board (*a*) may from time to time, with the approval of the Education Department (*b*), make byelaws for all or any of the following purposes: *See pp.* 35, 36.

(1.) Requiring the parents of children of such age, not less than five years nor more than thirteen years, as may be fixed by the byelaws, to cause such children (unless there is some reasonable excuse) to attend school: *See p.* 37.

(2.) Determining the time during which children are so to attend school; provided that no such byelaws shall prevent the withdrawal of any child from any religious observance or instruction in religious subjects, or shall require any child to attend school on any day exclusively set apart for religious observance by the religious body to which his parent belongs, or shall be contrary to anything contained in any Act for regulating the education of children employed in labour: *See p.* 42.

(3.) Providing for the remission or payment of the whole or any part of the fees of any child where the parent satisfies the school board that he is unable from poverty to pay the same: *See pp.* 43, 138.

(4.) Imposing penalties for the breach of any byelaws: *See p.* 43.

(5.) Revoking or altering any byelaw previously made: *See p.* 44.

Provided that any byelaw under this section requiring a child between ten and thirteen years of age to attend school shall provide for the total or partial exemption of such child from the obligation to attend school if one of Her Majesty's inspectors certifies that such child has reached a standard of education specified in such byelaw. *See pp.* 39, 42.

Any of the following reasons shall be a reasonable excuse; namely,

(1.) That the child is under efficient instruction in some other manner:

(2.) That the child has been prevented from attending school by sickness or any unavoidable cause:

(3.) That there is no public elementary school open which the child can attend within such distance, not exceeding three miles, measured according to the nearest road from the residence of such child, as the byelaws may prescribe. *See p.* 38.

The school board (*a*), not less than one month before submitting any byelaw under this section for the approval of the Education Department (*b*), shall deposit a printed copy of the proposed byelaws at their office for inspection by any ratepayer, and supply a printed copy thereof gratis to any ratepayer, and shall publish a notice of such deposit.

The Education Department (*b*) before approving of any byelaws

(*a*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

(*b*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

shall be satisfied that such deposit has been made and notice published, and shall cause such inquiry to be made in the school district as they think requisite.

Any proceeding to enforce any byelaw may be taken, and any penalty for the breach of any byelaw may be recovered, in a summary manner; but no penalty imposed for the breach of any byelaw shall exceed such amount as with the costs will amount to five shillings for each offence, and such byelaws shall not come into operation until they have been sanctioned by Her Majesty in Council (*a*).

It shall be lawful for Her Majesty, by Order in Council (*a*), to sanction the said byelaws, and thereupon the same shall have effect as if they were enacted in this Act.

All byelaws sanctioned by Her Majesty in Council (*a*) under this section shall be set out in an appendix to the annual report of the Education Department (*b*).

Miscellaneous.

Application of small endowments.

75. Where any school or any endowment of a school was expected from the Endowed Schools Act, 1869, on the ground that such school was at the commencement of that Act in receipt of an annual parliamentary grant, the governing body (as defined by that Act) of such school or endowment may frame and submit to the Education Department (*b*) a scheme respecting such school or endowment.

The Education Department (*b*) may approve such scheme with or without any modifications as they think fit.

The same powers may be exercised by means of such scheme as may be exercised by means of any scheme under the Endowed Schools Act, 1869; and such scheme, when approved by the Education Department (*b*), shall have effect as if it were a scheme made under that Act.

A certificate of the Education Department (*b*) that a school was at the commencement of the Endowed Schools Act, 1869, in receipt of an annual parliamentary grant shall be conclusive evidence of that fact for all purposes.

Inspection of voluntary schools by inspector not one of Her Majesty's inspectors.

76. Where the managers of any public elementary school not provided by a school board (*c*) desire to have their school inspected or the scholars therein examined, as well in respect of religious as of other subjects, by an inspector other than one of Her Majesty's

(*a*) The E. E. Act, 1900, sect. 6 (3), see p. 268, *post*, provides that sect. 74 of the Elementary Education Act of 1870 shall have effect as though the sanction there referred to were the sanction of the Board of Education instead of that of Her Majesty in Council.

(*b*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*c*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

inspectors, such managers may fix a day or days not exceeding two in any one year for such inspection or examination.

The managers shall, not less than fourteen days before any day so fixed, cause public notice of the day to be given in the school, and notice in writing of such day to be conspicuously affixed in the school.

On any such day any religious observance may be practised, and any instruction in religious subjects given at any time during the meeting of the school, but any scholar who has been withdrawn by his parents from any religious observance or instruction in religious subjects shall not be required to attend the school on any such day.

77. [*Parish divided by boundaries of boroughs.*—Repealed by E. Act, 1902.]

(*a*) Education Department may apply to Charity Commissioners under 16 & 17 Vict. c. 137, &c.

78. The Education Department (*a*) shall, for the purposes of the Charitable Trusts Acts, 1853 to 1869, be deemed to be persons interested in any elementary school to which those Acts are applicable, and the endowment thereof (*b*). *See p.* 27.

79. [*Ascertaining rateable value.*—Repealed by E. Act, 1902.]

Mode of publication of notices.

80. Notices and other matters required by this Act to be published shall, unless otherwise expressly provided, be published,—

(1.) By advertisement in some one or more of the newspapers circulating in the district or place to which such notice relates:

(2.) By causing a copy of such notices or other matter to be published to be affixed, during not less than twelve hours in the day, on Sunday on or near the principal doors of every church and chapel in such district or place to which notices are usually affixed, and at every other place in such district or place at which notices are usually affixed.

Notices may be served by post.

81. Certificates, notices, requisitions, orders, precepts, and all documents required by this Act to be served or sent may, unless otherwise expressly provided, be served and sent by post, and, till the contrary is proved, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that the letter containing the certificate, notice, requisition, order, precept, or document was prepaid, and properly addressed, and put into the post.

Notices to and by school board.

82. Certificates, notices, requisitions, orders, and other documents may be served on a school board (*c*) by serving the same on their clerk, or by sending the same to or delivering the same at the office of such board (*c*).

(*a*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*b*) So far as regards endowments held solely for educational purposes this section would seem practically repealed: Board of Education Act, 1899, sect. 2 (2), Order in Council, August 11th, 1902, p. 457.

(*c*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

Certificates, notices, requisitions, orders, precepts, and other documents may be in writing or in print, or partly in writing and partly in print, and if requiring authentication by a school board (*a*) may be signed by their clerk.

Evidence of orders, &c., of Education Department (*b*).

83. All orders, minutes, certificates, notices, requisitions, and documents of the Education Department (*b*), if purporting to be signed by some secretary or assistant secretary of the Education Department (*b*), shall, until the contrary is proved, be deemed to have been so signed and to have been made by the Education Department (*b*), and may be proved by the production of a copy thereof purporting to have been so signed.

The Documentary Evidence Act, 1868, shall apply to the Education Department (*b*) in like manner as if the Education Department (*b*) were mentioned in the first column of the schedule to that Act, and any member of the Education Department (*b*), or any secretary or assistant secretary of the Education Department (*b*), were mentioned in the second column of that schedule.

Effect of requisitions of Education Department (*b*).

84. After the expiration of three months from the date of any order or requisition of the Education Department (*b*) under this Act such order or requisition shall be presumed to have been duly made, and to be within the powers of this Act, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.

Appearance of school board (*a*).

85. A school board (*a*) may appear in all legal proceedings by their clerk, or by some member of the board authorised by a resolution of the board; and every such resolution shall appear upon the minutes of the proceedings of the board (*a*), but every such resolution shall, until the contrary is proved, be deemed in any legal proceeding to appear upon such minutes. *See p.* 77.

Tenure of teacher, and his removal from house under sects. 17 & 18 of 4 & 5 Vict. c. 38.

86. The provisions of the Schools Sites Acts (*c*) with respect to the tenure of the office of the schoolmaster or schoolmistress, and to the recovery of possession of any premises held over by a master or mistress who has been dismissed or ceased to hold office, shall extend to the case of any school provided by a school board, and of any master or mistress of such school, in the same manner as if the school board were the trustees or managers of the school as mentioned in those Acts. *See p.* 54.

87. [*Ratepayer may inspect books, &c., of school board.*—Repealed by E. Act, 1902.]

88. [*Penalty for making incorrect return.*—Repealed by E. Act, 1902.]

89. [*Penalty on personation of voter.*—Repealed by E. E. Act, 1873.]

90. [*Penalty for forging or falsifying any voting paper or obstructing the election.*—Repealed by E. Act, 1902.]

(*a*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

(*b*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*c*) For Schools Sites Acts see p. 377, *post*.

91. [*Corrupt practices.*—Repealed by Stat. Law Rev. Act, No. 2, 1893.]

Recovery of penalties.

92. Any penalty and any money which under this Act is recoverable summarily, and all proceedings under this Act which may be taken in a summary manner, may be recovered and taken before two justices in manner directed by an Act of the session of the eleventh and twelfth years of the reign of her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and the Acts amending the same.

11 & 12 Vict. c. 43.

93. [*Provision as to Oxford.*—Repealed by E. Act, 1902.]

Effect of schedules.

94. The schedules to this Act shall be of the same force as if they were enacted in this Act, and the Acts mentioned in the fourth schedule to this Act may be cited in the manner in that schedule mentioned.

Returns by school board.

95. Every school board shall make such report and returns and give such information to the Education Department (*a*) as the department may from time to time require. *See p.* 62.

(II.) Parliamentary Grant.

Parliamentary grant to public elementary school only.

96. After the thirty-first day of March one thousand eight hundred and seventy-one no parliamentary grant shall be made to any elementary school which is not a public elementary school within the meaning of this Act.

No parliamentary grant shall be made in aid of building, enlarging, improving, or fitting up any elementary school, except in pursuance of a memorial duly signed, and containing the information required by the Education Department (*a*) for enabling them to decide on the application, and sent to the Education Department (*a*) on or before the thirty-first day of December one thousand eight hundred and seventy.

Conditions of annual parliamentary grant.

97. The conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant shall be those contained in the minutes of the Education Department (*a*) in force for the time being, and shall amongst other matters provide that after the thirty-first day of March one thousand eight hundred and seventy-one—

(1.) Such grant shall not be made in respect of any instruction in religious subjects:

(2.) [*Such grant shall not for any year exceed the income of the school for that year which was derived from voluntary contributions, and from school fees, and from any sources other than the parliamentary grant* (*b*);]

(*a*) Now the Board of Education: Board of Education Act. 1899, sect. 2 (1). The minutes are now the Day School Code, see p. 629.

(*b*) Words in italics repealed by E. E. Act, 1876.

but such conditions shall not require that the school shall be in connexion with a religious denomination, or that religious instruction shall be given in the school, and shall not give any preference or advantage to any school on the ground that it is or is not provided by a school board:

[*Provided that where the school board satisfy the Education Department that in any year ending the twenty-ninth of September the sum required for the purpose of the annual expenses of the school board of any school district, and actually paid to the treasurer of such board by the rating authority, amounted to a sum which would have been raised by a rate of threepence in the pound on the rateable value of such district, and any such rate would have produced less than twenty pounds, or less than seven shillings and sixpence per child of the number of children in average attendance at the public elementary schools provided by such school board, such school board shall be entitled, in addition to the annual parliamentary grant in aid of the public elementary schools provided by them, to such further sum out of moneys provided by Parliament as, when added to the sum actually so paid by the rating authority, would, as the case may be, make up the sum of twenty pounds, or the sum of seven shillings and sixpence for each such child, but no attendance shall be reckoned for the purpose of calculating such average attendance unless it is an attendance as defined in the said minutes* (*a*).]

Provided that no such minute of the Education Department (*b*) not in force at the time of the passing of this Act shall be deemed to be in force until it has lain for not less than one month on the table of both Houses of Parliament. *See p.* 121.

Refusal of grant to unnecessary schools.

98. If the managers of any school which is situate in the district of a school board (*c*) acting under this Act, and is not previously in receipt of an annual parliamentary grant, whether such managers are a school board (*c*) or not, apply to the Education Department (*b*) for a parliamentary grant, the Education Department (*b*) may, if they think that such school is unnecessary, refuse such application. *See p.* 23.

The Education Department (*b*) shall cause to be laid before both Houses of Parliament in every year a special report stating the cases in which they have refused a grant under this section during the preceding year, and their reasons for each such refusal.

Power of schools to take parliamentary grants.

99. The managers of every elementary school shall have power to fulfil the conditions required in pursuance of this Act to be fulfilled in order to obtain a parliamentary grant, notwithstanding any provision contained in any instrument regulating the trusts or management of their school, and to apply such grant accordingly. *See p.* 88.

(*a*) Words in italics repealed by E. Act, 1902.

(*b*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*c*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

Report.

Annual report of Education Department.

100. The Education Department (*a*) shall in every year cause to be laid before both Houses of Parliament a report of their proceedings under this Act during the preceding year.

FIRST SCHEDULE.

[Repealed by E. Act, 1902.]

THE SECOND SCHEDULE.

[Repealed by E. Act, 1902.]

THIRD SCHEDULE.

[Repealed by E. Act, 1902.]

FOURTH SCHEDULE.

School Sites Acts.

The following Acts may be cited together as the "School Sites Acts, 1841 to 1851."

Year and Chapter of Act.	Title of Act.	Short Title by which Acts may be cited.
4 & 5 Vict. c. 38.	An Act to afford further facilities for the conveyance and endowment of sites for schools.	The School Sites Act, 1841.
7 & 8 Vict. c. 37.	An Act to secure the terms on which grants are made by Her Majesty out of the Parliamentary grant for the education of the poor; and to explain the Act of the fifth year of Her present Majesty for the conveyance of sites for schools.	The School Sites Act, 1844.
12 & 13 Vict. c. 49.	An Act to extend and explain the provisions of the Acts for the granting of sites for schools.	The School Sites Act, 1849.
14 & 15 Vict. c. 24.	An Act to amend the Acts for the granting of sites for schools.	The School Sites Act, 1851.

FIFTH SCHEDULE.

Divisions of Metropolis.

Name of Division.	Name of Division
Marylebone.	Westminster.
Finsbury.	Southwark.
Lambeth.	City.
Tower Hamlets.	Chelsea.
Hackney.	Greenwich.

(*a*) Now the Board of Education : Board of Education Act, 1899, sect. 2 (1).

ELEMENTARY EDUCATION ACT, 1873.

36 & 37 VICT. C. 86.

An Act to amend the Elementary Education Act (1870), and for other purposes connected therewith.

[*5th August*, 1873.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title. **33 & 34 Vict. c. 75.**

1. This Act may be cited as the Elementary Education Act, 1873; and this Act and the Elementary Education Act, 1870 (in this Act referred to as the principal Act), may be cited together as the Elementary Education Acts, 1870 and 1873.

Construction of Act.

2. This Act shall be construed as one with the principal Act, and the expression "this Act" in the principal Act shall be construed to include this Act.

Expenses of Education.

3. [*Repeal of* 18 & 19 *Vict. c.* 34 (*Denison's Act*), *and substitution of other provisions.*—Repealed by E. E. Act, 1876.]

4. [*Power of Local Government Board as to relief and guardians.*—Repealed by Stat. Law Rev. Act, 1883.]

Elections.

5. [*Confirmation of orders as to elections, &c.*—Repealed by E. Act, 1902.]

6. [*Election of School Board.*—Repealed by E. Act, 1902.]

7. [*Overseers to allow inspection of rate books and otherwise assist returning officers.*—Repealed by E. Act, 1902.]

8. [*Amendment of* 33 & 34 *Vict. c.* 75, *s.* 91, *as to corrupt practices at elections.*—Repealed by Stat. Law Rev. Act, 1893.]

9. [*Questioning of election and resolution.*—Repealed by E. Act, 1902.]

Miscellaneous Amendments of 33 & 34 *Vict. c.* 75.

10. [*Amendment of* 33 & 34 *Vict. c.* 75, *s.* 57, *as to loans.*—Repealed by E. Act, 1902.]

11. [*Amendment of* 33 & 34 *Vict. c.* 75, *ss.* 12, 40.—Repealed by E. Act, 1902.]

12. [*Union of detached parts of parishes for purposes of Act.*—Repealed by E. Act, 1902.]

Power of school board to accept gifts for educational purposes.

13. A school board (*a*) shall be able and be deemed always to have been able to be constituted trustees for any educational

(*a*) References to school boards to be construed as references to local education authorities: E. Act. 1902, Sch. III. (1).

endowment or charity for purposes connected with education, whether such endowment or charity was established before or after the passing of the principal Act, and to have and always to have had power to accept any real or personal property given to them as an educational endowment or upon trust for any purposes connected with education: Provided that— *See p.* 27.

(1.) Nothing in this section shall enable a school board (*a*) to be trustees for or accept any educational endowment, charity, or trust, the purposes of which are inconsistent with the principles on which the school board (*a*) are required by section fourteen of the principal Act to conduct schools provided by them; and,

(2.) Every school connected with such endowment, charity, or trust shall be deemed to be a school provided by the school board (*a*), except that nothing in this section shall authorise the school board (*a*) to expend any money out of the local rate for any purpose other than elementary education; and *See p.* 23.

(3.) Nothing in this section shall affect the law of mortmain or the Act of the ninth year of the reign of King George the Second, chapter thirty-six.

Amendment of 29 & 30 Vict. c. 118, s. 12, as applied to school boards.

14. Where a school board (*a*) exercises the powers of a prison authority under the Industrial Schools Act, 1866 (*b*), not less than fourteen days, instead of not less than two months, previous notice shall be given of the intention of the school board to take into consideration the making of the contribution mentioned in section twelve of that Act. *See pp.* 33, 34.

Amendment of 33 & 34 Vict. c. 75, s. 20.

15. For the purpose of the purchase of land otherwise than by agreement under section twenty of the principal Act, the Act confirming an order of the Education Department (*c*) for such purchase, together with the principal Act, shall be deemed to be the special Act. *See pp.* 26, 198.

Valuation list in metropolis.

16 (*d*). The principal Act shall be construed as if there were substituted for sub-section ten of section thirty-seven thereof the following words:

The school board shall apportion the amount required to be raised to meet the deficiency in the school fund among the different parts of the metropolis mentioned in the third column of the first schedule to this Act, in proportion to the rateable value of such parts, as shown by the valuation lists for the time being in force under the Valuation (Metropolis) Act, 1869, or any other Act for making valuation lists, or, where there is no such valuation list, in the same proportion and according

(*a*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

(*b*) See the Act, p. 355.

(*c*) Now Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*d*) The E. Act, 1902, does not apply to London except as expressly provided: sect. 27 (1).

to the same basis in and according to which the then last rate made by the Metropolitan Board of Works was assessed.

[*The said substitution shall not affect anything done before the passing of this Act, except that anything done before the passing of this Act which would have been legal if the said substitution had been made shall be legal* (*a*).]

17. [*Making up and examination of accounts.*—Repealed by E. Act, 1902.]

18. [*Amendment of* 33 & 34 *Vict. c.* 75, *s.* 60.—Repealed by E. Act, 1902.]

Extension of 33 & 34 Vict. c. 75, s. 70, to returns.

19. Where the Education Department (*b*) have power under the principal Act to require any local authority to send to them a return, the Education Department (*b*), without requiring such local authority to make the return, shall have the same power of appointing a person or persons to make such return as they would have under section seventy of the principal Act if the local authority had been required to make and had failed to make such return. *See p.* 63.

Notices for purposes of Elementary Education Acts.

20. Notices and other matters required by the Elementary Education Acts, 1870 and 1873, to be published shall, unless otherwise expressly provided, be published either by advertisement, and by affixing the same on the doors of churches and chapels, and other public places, or in such other manner as the Education Department (*b*) may either generally or with respect to any particular district, place, or notice, or class of districts, places, or notices, by order determine, as being in their opinion sufficient for giving information to all persons interested; and all overseers, assistant overseers, and officers of guardians shall comply with the directions of the Education Department (*b*) with respect to such notices, and any expenses incurred by them in carrying into effect this section may be paid as their expenses under the Acts relating to the relief of the poor. *See pp.* 12, 25.

Every person who wilfully tears down, injures, or defaces any notice affixed in pursuance of the Elementary Education Acts, 1870 and 1873, or any order of the Education Department (*b*) made thereunder, shall be liable on summary conviction to a penalty not exceeding forty shillings.

21. [*Amendment of* 33 & 34 *Vict. c.* 75, *3rd sched.*—Repealed by E. Act, 1902.]

Returns by schools to school boards.

22. In any school district (*c*) in which a byelaw under section seventy-four of the principal Act is in force, the school board (*d*) of such district may from time to time supply forms to any public

(*a*) Words in italics repealed by Stat. Law Rev. Act, 1883.

(*b*) Now Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*c*) References to school districts are to be construed as references to the areas for which local education authorities act: E. Act, 1902, Sch. III. (1).

(*d*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

elementary school for the purpose of obtaining reasonable information with respect to the attendance of children residing in their district (*a*) who attend such school; and the managers of such school, if they fail to cause such forms to be truly filled up and returned in manner required by the school board (*b*), or to cause such information to be given as will enable the school board (*b*) to ascertain whether a child resident within their district (*a*) and attending that school attends the same in manner required by the said byelaw, shall cause to be produced to such member or officer of the school board (*b*) or other person as may be duly authorised in that behalf by the school board (*b*) at any reasonable time when required by him the registers and other books and documents containing information with respect to the attendance of children at such school, and shall permit him to inspect and take copies of and extracts from the same. *See p.* 86.

If any difference arises between a school board (*b*) and the managers of a public elementary school as to whether the information required by the said forms is or is not reasonable, such difference shall be referred to the Education Department (*c*), whose decision shall be final. *See pp.* 39, 86.

Legal Proceedings.

Legal proceedings.

23. All offences and penalties under the principal Act, or this Act, or any byelaw under the principal Act, which may be prosecuted or recovered on summary conviction may be prosecuted and recovered in manner provided by the Summary Jurisdiction Acts.

The court of summary jurisdiction, when hearing and determining an information or complaint, shall be constituted either of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace. *See p.* 44.

Regulations as to legal proceedings.

24. With respect to proceedings before a court of summary jurisdiction for offences and penalties under the principal Act, or this Act, or any byelaw under the principal Act, the following provisions shall have effect:

(1.) [*The description of the offence in the words of the Act or byelaw, or as near thereto as may be, shall be sufficient in law:*

(2.) *Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in*

(*a*) References to school districts to be construed as references to the areas for which local education authorities act: E. Act, 1902, Sch. III. (1).

(*b*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

(*c*) Now Board of Education: Board of Education Act, 1899, sect. 2 (1).

the Act or byelaw, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived no proof in relation to the matters so specified or negatived shall be required on the part of the informant (*a*).]

(3.) In any proceeding for an offence under a byelaw, the court may, instead of inflicting a penalty, make an order directing that the child shall attend school, and that if he fail so to do, the person on whom such order is made shall pay a penalty not exceeding the penalty to which he is liable for failing to comply with the byelaw: *See p.* 46.

(4.) Any justice may require by summons any parent or employer of a child, required by a byelaw to attend school, to produce the child before a court of summary jurisdiction, and any person failing, without reasonable excuse to the satisfaction of the court, to comply with such summons shall be liable to a penalty not exceeding twenty shillings: *See p.* 46.

(5.) A certificate purporting to be under the hand of the principal teacher of a public elementary school, stating that a child is or is not attending such school, or stating the particulars of the attendance of a child at such school, or stating that a child has been certified by one of Her Majesty's inspectors to have reached a particular standard of education, shall be evidence of the facts stated in such certificate: *See p.* 46.

(6.) Where a child is apparently of the age alleged for the purposes of the proceeding, it shall lie on the defendant to prove that the child is not of such age: *See p.* 47.

(7.) If a child is attending an elementary school which is not a public elementary school, it shall lie on the defendant to show that the school is efficient, and the court, in considering whether any elementary school is efficient, shall have regard to the age of the child and to the standard of education corresponding to such age prescribed by the minutes of the Education Department (*b*) for the time being in force with respect to the parliamentary grant: *See p.* 47.

(8.) Where a school board are, by reason of the default of the managers or proprietor of an elementary school, unable to ascertain whether a child who is resident within the district of such school board and attends such school attends school in conformity with a byelaw made by such school board, it shall lie on the defendant to show that the child has attended school in conformity with the byelaw: *See p.* 47.

(9.) Any person may appear by any member of his family or any other person authorised by him in this behalf. *See p.* 48.

25. Every person who forges or counterfeits any certificate which

Forgery of certificate, and giving false information.

(*a*) Words in italics repealed by Summary Jurisdiction Act, 1884. See also p. 45.

(*b*) Now Board of Education: Board of Education Act, 1899, sect. 2 (1).

is by this Act made evidence of any matter, or gives or signs any such certificate which is to his knowledge false in any material particular, or, knowing any such certificate to be forged, counterfeit, or false, makes use thereof, shall be liable on summary conviction to imprisonment for a period not exceeding three months, with or without hard labour. *See p.* 46.

Definitions and Repeal.

26. [*Schedules part of Act.*—Repealed by E. Act, 1902.]

Interpretation.

27. In this Act—

"Guardians." The term "guardians" includes any body of persons performing the functions of guardians within the meaning of the Acts relating to the relief of the poor:

'Union." The term "union" means any union or incorporation of parishes under any general or local Act, and any single parish having guardians as defined by this Act under any general or local Act:

"Common fund." The term "common fund" means, in the case of a union which comprises only one parish, the fund applicable to the relief of the poor of such parish:

["*Summary Jurisdiction Acts.*" [*The term "the Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of Justices of the Peace out of sessions within England and Wales with respect to summary convictions and orders," inclusive of any Acts amending the same:*

'Court of summary jurisdiction."] *The term "court of summary jurisdiction" means any justice or justices of the peace, metropolitan police magistrates, stipendiary or other magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts* (*a*).]

Repeal and savings.

28. The principal Act is hereby repealed, to the extent specified in the third column of the fourth schedule to this Act.

Provided that—

(1.) Any order or regulation of the Education Department (*b*) made under any enactment hereby repealed shall continue in force as if it had been made under this Act.

(2.) Any school board (*c*) elected under any enactment hereby repealed shall continue and be deemed to have been elected under this Act:

(3.) The repeal of any Act or enactment by this Act shall not—

(a.) Affect anything duly done or suffered under any such Act or enactment; or

(b.) Affect any right, privilege, obligation, or liability

(*a*) Words in italics repealed by Stat. Law Rev. (No. 2) Act, 1893.

(*b*) Now Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*c*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

acquired, accrued, or incurred under any such Act or enactment, or byelaw; or

(c.) Affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any such Act, enactment, or byelaw; or

(d.) Affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed.

SCHEDULES.

FIRST SCHEDULE.

[Repealed by E. Act, 1902.]

SECOND SCHEDULE.

[Repealed by E. Act, 1902.]

THIRD SCHEDULE.

[Repealed by E. Act, 1902.]

FOURTH SCHEDULE.

Act Repealed.

A description or citation of a portion of an Act is inclusive of the words, section, or other part first or last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Session and Chapter.	Short Title.	Extent of Repeal.
34 & 35 Vict. c. 75.	The Elementary Education Act, 1870.	The sub-section numbered ten in section thirty-seven; section fifty-seven; section fifty-nine; the sub-section numbered nine in section sixty; sections eighty and eighty-nine; section ninety, from "knowingly personate" to "voting in any such election or;" the rules numbered one and three in the first part of the second schedule; so much of the rule numbered six in the third part of the second schedule as relates to fixing a day for a casual election, and the conditions in rule one of the third schedule marked (b.) (f.) and (g.).

ELEMENTARY EDUCATION ACT, 1876.

39 & 40 VICT. C. 79.

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An Act to make further provision for Elementary Education.

[*15th August*, 1876.

Whereas it is expedient to make further provision for the education of children, and for securing the fulfilment of parental responsibility in relation thereto, and otherwise to amend and to extend the Elementary Education Acts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the "Elementary Education Act, 1876." Short title.

2. This Act shall not, save as otherwise expressly provided, apply to Scotland or Ireland. Extent of Act.

Commencement of Act.

3. This Act shall, save as otherwise expressly provided, come into operation on the first day of January one thousand eight hundred and seventy-seven (which day is in this Act referred to as the commencement of this Act).

PART I.

Law as to Employment and Education of Children.

Declaration of duty of parent to educate child.

4. It shall be the duty of the parent of every child to cause such child to receive efficient elementary instruction in reading, writing, and arithmetic, and if such parent fail to perform such duty, he shall be liable to such orders and penalties as are provided by this Act.

Regulation as to employment of child under 10, and certificate of education or previous school attendance being condition of employment of child over 10.

5. A person shall not, after the commencement of this Act, take into his employment (except as herein-after in this Act mentioned) any child—

(1.) Who is under the age of ten (*a*) years; or

(2.) Who, being of the age of ten (*a*) years or upwards, has not obtained such certificate either of his proficiency in reading, writing, and elementary arithmetic, or of previous due attendance at a certified efficient school, as is in this Act in that behalf mentioned, unless such child, being of the age of ten (*a*) years or upwards, is employed, and is attending school in accordance with the provisions of the Factory Acts, or of any byelaw of the local authority (herein-after mentioned) made under section seventy-four of the Elementary Education Act, 1870, as amended by the Elementary Education Act, 1873, and this Act, and sanctioned by the Education Department (*b*).

See pp. 37, 40.

Penalty for employing a child in contravention of Act.

6. Every person who takes a child into his employment in contravention of this Act shall be liable, on summary conviction, to a penalty not exceeding forty shillings.

See pp. 44, 72, 74.

Enforcement of Act by school board (*d*).

7. The provisions of this Act respecting the employment of children shall be enforced—

(1.) In a school district (*c*) within the jurisdiction of a school board (*d*), by that board (*d*).

(2.) [*Enforcement of Act by school attendance committee of existing local authority.*—Repealed by L. G. Act, 1894, and E. Act, 1902.]

Every such school board (*d*) [*and school attendance committee* (*e*)]

(*a*) Now twelve: see E. E. (School Attendance) Act, 1893, sect. 1, *post*, p. 258, and Amendment Act, 1899, sect. 1, *post*, p. 261.

(*b*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*c*) References to school districts are to be construed as references to the areas for which local education authorities act: E. Act, 1902, Sch. III. (1).

(*d*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

(*e*) Words in italics repealed by E. Act, 1902.

(in this Act referred to as the local authority) shall, as soon as may be, publish the provisions of this Act within their jurisdiction in such manner as they think best calculated for making those provisions known. *See p.* 64.

Provided that it shall be the duty of the inspectors and sub-inspectors acting under the Acts regulating factories, workshops, and mines respectively, and not of the local authority, to enforce the observance by the employers of children in such factories, workshops, and mines of the provisions of this Act respecting the employment of children; but it shall be the duty of the local authority to assist the said inspectors and sub-inspectors in the performance of their duty by information and otherwise. *See p.* 64.

It shall be the duty of such local authority to report to the Education Department (*a*) any infraction of the provisions of section seven of the Elementary Education Act, 1870, in any public elementary school within their district (*b*) which may come to their knowledge, and also to forward to the Education Department (*a*) any complaint which they may receive of the infraction of those provisions. *See p.* 63.

8. [*Employment and education of children in factories, &c.*—Repealed by Factory and Workshop Act, 1878.]

Exception to prohibition of employment of children.

9. A person shall not be deemed to have taken any child into his employment contrary to the provisions of this Act, if it is proved to the satisfaction of the court having cognizance of the case either— *See p.* 72.

(1.) That during the employment there is not within two miles, measured according to the nearest road, from the residence of such child any public elementary school open which the child can attend; or

(2.) That such employment, by reason of being during the school holidays, or during the hours during which the school is not open, or otherwise, does not interfere with the efficient elementary instruction of such child and that the child obtains such instruction by regular attendance for full time at a certified efficient school or in some other equally efficient manner; or

(3.) That the employment is exempted by the notice of the local authority herein-after next mentioned; (that is to say,)

The local authority (*c*) may, if it thinks fit, issue a notice exempting from the prohibitions and restrictions of this Act the employment of children above the age of eight years, for the necessary operations of husbandry and the

(*a*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*b*) References to school districts are to be construed as references to the areas for which local education authorities act: E. Act, 1902, Sch. III. (1).

(*c*) That is now the local education authority.

ingathering of crops, for the period to be named in such notice: Provided that the period or periods so named by any such local authority shall not exceed in the whole six weeks between the first day of January and the thirty-first day of December in any year.

The local authority shall cause a copy of every notice so issued to be sent to the Education Department (*a*) and to the overseers of every parish within its jurisdiction, and the overseers shall cause such notice to be affixed to the door of all churches and chapels in the parish, and the local authority may further advertise any such notice in such manner (if any) as it may think fit. *See p.* 41.

Payment of school fees for poor parents.

10. The parent, not being a pauper, of any child who is unable by reason of poverty to pay the ordinary fee for such child at a public elementary school, or any part of such fee, may apply to the guardians having jurisdiction in the parish in which he resides: and it shall be the duty of such guardians, if satisfied of such inability, to pay the said fee, not exceeding threepence a week, or such part thereof, as he is, in the opinion of the guardians, so unable to pay. *See p.* 138.

The parent shall not by reason of any payment made under this section be deprived of any franchise, right, or privilege, or be subject to any disability or disqualification.

Payment under this section shall not be made on condition of the child attending any public elementary school other than such as may be selected by the parent, nor refused because the child attends, or does not attend any particular public elementary school.

[*The twenty-fifth section of the Elementary Education Act*, 1870, *is hereby repealed* (*b*).]

Provision as to order of court for attendance at school of child habitually neglected by parent or habitually wandering and consorting with criminals or disorderly persons.

11. If either—

(1.) The parent of any child above the age of five years who is under this Act prohibited from being taken into full time employment, habitually and without reasonable excuse neglects to provide efficient elementary instruction for his child; or

(2.) Any child is found habitually wandering or not under proper control, or in the company of rogues, vagabonds, disorderly persons, or reputed criminals;

it shall be the duty of the local authority, after due warning to the parent of such child, to complain to a court of summary jurisdiction, and such court may, if satisfied of the truth of such complaint, order that the child do attend some certified efficient school willing to receive him and named in the order, being either such as the parent may select, or if he do not select any, then such public

(*a*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*b*) Words in italics repealed by Stat. Law Rev. Act, 1883.

elementary school as the court think expedient, and the child shall attend that school every time that the school is open, or in such other regular manner as is specified in the order.

An order under this section is in this Act referred to as an attendance order.

Any of the following reasons shall be a reasonable excuse:

(1.) That there is not within two miles, measured according to the nearest road, from the residence of such child any public elementary school open which the child can attend; or

(2.) That the absence of the child from school has been caused by sickness or any unavoidable cause. *See pp.* 49, 50.

Proceedings on disobedience to order of court for attendance at school.

12. Where an attendance order is not complied with, without any reasonable excuse within the meaning of this Act, a court of summary jurisdiction, on complaint made by the local authority, may, if it think fit, order as follows:

(1.) In the first case of non-compliance, if the parent of the child does not appear, or appears and fails to satisfy the court that he has used all reasonable efforts to enforce compliance with the order, the court may impose a penalty not exceeding with the costs five shillings; but if the parent satisfies the court that he has used all reasonable efforts as aforesaid, the court may, without inflicting a penalty, order the child to be sent to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child, then to a certified industrial school; and *See p.* 50.

(2.) In the second or any subsequent case of non-compliance with the order, the court may order the child to be sent to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child then to a certified industrial school, and may further in its discretion inflict any such penalty as aforesaid, or it may for each such non-compliance inflict any such penalty as aforesaid without ordering the child to be sent to an industrial school;

Provided that a complaint under this section with respect to a continuing non-compliance with any attendance order shall not be repeated by the local authority at any less interval than two weeks. *See p.* 51.

A child shall be sent to a certified industrial school or certified day industrial school in pursuance of this section in like manner as if sent in pursuance of the Industrial Schools Act, 1866, and when so sent shall be deemed to have been sent in pursuance of that Act and the Acts amending the same (*a*): and the parent, if liable under the said Acts to contribute to the maintenance and training of his child when sent to an industrial school, shall be liable so to contribute when his child is sent in pursuance of this section.

29 & 30 Vict. c. 118.

(*a*) See the Acts, pp. 353—374.

Duty of local authority as to taking proceedings under this Act or 29 & 30 Vict. c. 118.

13. Where the local authority (*a*) are informed by any person of any child in their jurisdiction who is stated by that person to be liable to be ordered by a court under this Act to attend school, or to be sent under this Act, or the Industrial Schools Act, 1866, to an industrial school, it shall be the duty of the local authority (*a*) to take proceedings under this Act or the Industrial Schools Act, 1866, accordingly, unless the local authority (*a*) think that it is inexpedient to take such proceedings.

Provided that nothing in this section shall relieve the local authority from the responsibility of performing their duty under the other provisions of this Act.

Industrial School.

License to child sent to industrial school to live out while attending school.

14. Where a child is sent to a certified industrial school under this Act or the Industrial Schools Act, 1866, upon the complaint or representation of the local authority (*a*) under this Act, the managers of such school may, if they think fit, at any time after the expiration of one month after the child is so sent give him a license under section twenty-seven of the Industrial Schools Acts, 1866, to live out of the school, but the license shall be conditional upon the child attending as a day scholar, in such regular manner as is specified in the license, some school willing to receive him and named in the license, and being a certified efficient school. *See p.* 52.

Amendment as to provision of industrial school by school board.

15. The consent of one of Her Majesty's Principal Secretaries of State (*b*), and not of the Education Department (*c*), shall be required for the establishing, building, and maintaining of a certified industrial or certified day industrial school, by a school board (*d*), and to the spreading of the payment of the expense of such establishment and building over a number of years [*not exceeding fifty* (*e*)], and to the borrowing of money for that purpose; and for the purpose of such borrowing [*section ten of the Elementary Education Act, 1873* (*f*)], shall be held to apply to the loan in like manner as if one of Her Majesty's Principal Secretaries of State were substituted therein for the Education Department (*g*), and such establishment and building shall be deemed to be a work for which a school board (*d*) is authorised to borrow within the meaning of the First

(*a*) That is now the local education authority.

(*b*) The Home Secretary.

(*c*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*d*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

(*e*) Words in italics repealed by E. Act, 1902.

(*f*) A reference to the provisions of the E. Act, 1902, as to borrowing is to be substituted for the reference to sect. 10 of the E. E. Act, 1873: E. Act, 1902, Sch. III. (8). For provisions of the Act as to borrowing, see p. 168.

(*g*) For this a reference to the Local Government Board is substituted: E. Act, 1902, Sch. III. (8).

Schedule to the Public Works Loans Act, 1875 (*a*). *See pp.* 34, 168, 169.

Day Industrial School.

Establishment, &c., of day industrial schools.

16. If a Secretary of State (*b*) is satisfied that, owing to the circumstances of any class of population in any school district (*c*), a school in which industrial training, elementary education, and one or more meals a day, but not lodging, are provided for the children, is necessary or expedient for the proper training and control of the children of such class, he may, in like manner as under the Industrial Schools Act, 1866 (*d*), certify any such school (in this Act referred to as a day industrial school) in the neighbourhood of the said population to be a certified day industrial school. *See p.* 34.

Any child authorised by the Industrial Schools Act, 1866 (*d*), to be sent to a certified industrial school, may, if the court before whom the child is brought think it expedient, be sent to a certified day industrial school, any child sent to a certified day industrial school by an order of a court (other than an attendance order under this Act) may during the period specified in the order be there detained during such hours as may be authorised by the rules of the school approved by the said Secretary of State (*e*).

A certified day industrial school shall be deemed to be a certified efficient school within the meaning of this Act.

In the case of a certified day industrial school,—

(1.) A prison authority within the meaning of the Industrial Schools Act, 1866, and a school board (*f*) shall respectively have the same powers in relation to a certified day industrial school as they have in relation to a certified industrial school; and *See pp.* 33, 34.

(2.) There may be contributed out of moneys provided by Parliament towards the custody, industrial training, elementary education, and meals of children sent by an order of a court other than an attendance order under this Act to a certified day industrial school such sums not exceeding one shilling per head per week, and on such conditions as a Secretary of State from time to time recommends (*see p.* 127); and

(3.) Where a court of summary jurisdiction orders otherwise than by an attendance order under this Act a child to be sent to a certified day industrial school, the court shall also order

(*a*) For Public Works Loans Act, 1875, see p. 169, *ante*.

(*b*) Home Secretary.

(*c*) References to school districts to be construed as references to the areas for which local education authorities act: E. Act, 1902, Sch. III. (1).

(*d*) For Industrial Schools Act, 1866, see p. 353.

(*e*) For regulations to be embodied in such rules, see p. 691.

(*f*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

the parent of such child, if liable to maintain him, to contribute to his industrial training, elementary education, and meals in the school such sum not exceeding two shillings per week as is named in the order; it shall be the duty of the local authority (*a*) to obtain and enforce the said order, and every sum paid under the order shall be paid over to the local authority (*a*) in aid of their expenses under this Act; if a parent resident in any parish is unable to pay the sum required by the said order to be paid, he shall apply to the guardians having jurisdiction in the parish, who, if satisfied of such inability, shall give the parent sufficient relief to pay the said sum, or so much thereof as they consider him unable to pay, and the money so given shall be charged to the parish as provided by this Act in the case of money given for the payment of school fees (*see p.* 141); and

(4.) The managers of a certified day industrial school may, upon the request of a local authority (*a*) and of the parent of a child, and upon the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child such sum, not less than one shilling a week, as a Secretary of State (*b*) from time to time fixes, receive such child into the school under an attendance order or without an order of a court; and there may be contributed out of moneys provided by Parliament in respect of that child such sum, not exceeding sixpence a week and on such conditions as a Secretary of State from time to time recommends (*c*). *See pp.* 50, 53, 127.

It shall be lawful for Her Majesty from time to time, by Order in Council, to apply to a certified day industrial school the provisions of the Industrial Schools Act, 1866, and the Acts amending the same (*d*), with such modifications as appear to Her Majesty to be necessary or proper for adapting such provisions to a day industrial school, and bringing them into conformity with this Act; and such Order may provide that a child may be punished for an offence by being sent to a certified industrial in lieu of a certified reformatory school, or may otherwise mitigate any punishment imposed by the said Act.

It shall be lawful for Her Majesty from time to time, by Order in Council, to revoke and vary any Order in Council made under this section (*e*).

Every such Order shall be laid before both Houses of Parliament within one month after it is made if Parliament be then sitting, or

(*a*) That is the local education authority.

(*b*) Home Secretary.

(*c*) For parliamentary grants in such cases, see p. 127.

(*d*) For Industrial Schools Acts, see pp. 353—374.

(*e*) See Order in Council, March 20th, 1877, p. 510.

if not, within one month after the beginning of the then next session of Parliament, and while in force shall have effect as if it were enacted in this Act.

A Secretary of State (*a*) may from time to time make, and when made revoke and vary, the forms of orders for sending a child to a day industrial school, and the manner in which children are to be sent to such school.

If a Secretary of State (*a*) is of opinion that, by reason of a change of circumstances or otherwise, a certified day industrial school ceases to be necessary or expedient for the proper training and control of the children of any class of population in the neighbourhood of that school, he may, after due notice, withdraw the certificate of the school, and thereupon such school shall cease to be a certified day industrial school. *See p.* 35.

Provided, that the reasons for withdrawing such certificate shall be laid before both Houses of Parliament within one month after notice of the withdrawal is given, if Parliament be then sitting, or if not, within one month after the then next meeting of Parliament.

Conditions of contribution to day industrial schools.

17. The conditions of a parliamentary contribution to a certified day industrial school, to be recommended by the Secretary of State (*b*), shall provide for the examination of the children according to the standards of proficiency for the time being in force for the purposes of a parliamentary grant to public elementary schools; but may vary the amounts of the contributions to be made in respect of such standards respectively.

Any conditions recommended by a Secretary of State for the purposes of contributions to a day industrial school (*b*) shall be laid before Parliament in the same manner as Minutes of the Education Department (*c*) relating to the annual parliamentary grant. *See p.* 127.

Parliamentary Grant.

18. [*Contribution for fees of children who obtain certificates.*—Repealed by E. E. Act, 1891.]

Amendment of 33 & 34 Vict. c. 75, s. 97, as to conditions of annual parliamentary grant.

19. [*So much of section ninety-seven of "The Elementary Education Act, 1870," as enacts that the conditions required to be fulfilled by an elementary school in order to obtain the annual parliamentary grant shall provide that the grant shall not for any year exceed the income of the school for that year which was derived from voluntary contributions and from school fees, and from any sources other than the parliamentary grant, shall be repealed as from the thirty-first day of March one thousand eight hundred and seventy-seven* (*d*).]

(*a*) The Home Secretary.

(*b*) For the conditions now in force, see p. 127.

(*c*) Now the Board of Education: see Board of Education Act, 1899, sect. 2 (1).

(*d*) Words in italics repealed by Stat. Law Rev. Act, 1883.

After the thirty-first day of March one thousand eight hundred and seventy-seven the conditions required to be fulfilled by an elementary school in order to obtain the annual parliamentary grant shall provide that—

(1.) [*Such grant shall not in any year be reduced by reason of its excess above the income of the school if the grant do not exceed the amount of seventeen shillings and sixpence per child in average attendance at the school during that year, but shall not exceed that amount per child, except by the same sum by which the income of the school, derived from voluntary contributions, rates, school fees, endowments, and any source whatever other than the parliamentary grant exceeds the said amount per child* (*a*)]; and

(2.) Where the population of the school district (*b*) in which the school is situate, or the population within two miles measured according to the nearest road, from the school is less than three hundred, and there is no other public elementary school recognised by the Education Department (*c*) as available for the children of that district (*b*), or that population (as the case may be), a special parliamentary grant may be made annually to that school to the amount, if the said population exceeds two hundred, of ten pounds, and, if it does not exceed two hundred, of fifteen pounds; and

(3.) The said special grant shall be in addition to the ordinary annual parliamentary grant, and shall not be included in the calculation of that grant for the purpose of determining whether it does or not exceed the amount before in this section mentioned. *See p.* 122.

Conditions for obtaining parliamentary grant.

20. The conditions required to be fulfilled by schools in order to obtain annual parliamentary grants shall provide that the income of the schools shall be applied only for the purpose of public elementary schools.

Byelaws.

21. [*School attendance committee to have like powers with school boards of enforcing by byelaw attendance of children.*—Repealed by E. Act, 1902.]

22. [*Provision as to requisition of parish.*—Repealed by E. Act, 1902.]

(*a*) Words in italics repealed by Voluntary Schools Act, 1897, sect. 2, so far as they apply to day schools in England and Wales. By E. Act, 1902, sect. 22 (1), a school carried on as an evening school, under the regulations of the Board of Education, is not an "elementary school" within the E. E. Acts and that Act.

(*b*) References to school districts are here to be construed, as respects the area of a local education authority being the council of a county, as references to a parish: E. Act, 1902, Sch. III. (1).

(*c*) Now Board of Education: Board of Education Act, 1899, sect. 2 (1).

23. [*For the purposes of this Act section seventy-four of the Elementary Education Act*, 1870, *and all enactments of that or any other Act referring to byelaws under that section, shall be construed as if "school board" included the authority authorised by this Act to make byelaws:*

Provided that nothing in any byelaw shall authorise the authority making the same in pursuance of this Act to remit or pay any fees (*a*).]

Provision as to byelaws under s. 74 of the Elementary Education Act, 1870 (33 & 34 Vict. c. 75), as extended by this Act.

It shall be the duty of every local authority to enforce the byelaws made by that authority in pursuance of section seventy-four of the Elementary Education Act, 1870. *See p.* 44.

Administrative Provisions.

24. The certificates of proficiency of a child in reading, writing, and elementary arithmetic, and of the previous due attendance of a child at a certified efficient school for the purposes of this Act, shall be certificates of proficiency and previous due attendance ascertained according to the standards set forth in the First Schedule to this Act, and such certificate shall be granted to the child entitled to the same free of cost or charge to such child, or to the parent of such child.

Supplemental provisions as to certificates of proficiency and previous attendance at school.

The Education Department (*b*) may from time to time by order make, and when made revoke and vary, regulations with respect to certificates of age for the purposes of this Act and the persons by whom and the form in which certificates of the said proficiency and due attendance are to be granted, and with respect to other matters relating thereto, and with respect to the preservation of registers and other records of such proficiency and attendance, and such regulations shall be observed by the local authority and the managers of certified efficient schools.

All regulations made by the Education Department (*b*) under this section shall be laid before Parliament, in the same manner as Minutes of the Education Department (*b*) relating to the annual parliamentary grant.

25. Where the age of any child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child, any person on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Local Government Board, and on payment of such fee, not exceeding one shilling, as the Local Government Board from time to time fix, shall be entitled to obtain a certified copy under the hand of the registrar or superintendent registrar of the entry in the register under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of the child named in the requisition. *See p.* 47.

Certificates of birth for purposes of Act.

(*a*) Words in italics repealed by E. Act, 1902.

(*b*) Now Board of Education : Board of Education Act, 1899, sect. 2 (1).

Returns of registrars of births and deaths to school boards (*a*).

26. Every registrar of births and deaths, when and as required by a local authority, shall transmit, by post or otherwise, a return of such of the particulars registered by him concerning deaths and births of children as may be specified in the requisition of the local authority.

The local authority may supply a form, approved by the Local Government Board, for the purpose of the return, and in that case the return shall be made in the form so supplied.

The local authority may pay, as part of their expenses under this Act, to the registrar making such return such fee as may be agreed upon between them and the registrar, not exceeding twopence for every birth and death entered in such return. *See p.* 166.

27. [*Provision in case of failure of local authority to perform their duty under this Act.*—Repealed by E. Act, 1902.]

Officers of local authority.

28. Every local authority (*b*), [*but subject in the case of a school attendance committee to the approval herein-after mentioned* (*c*)], shall direct one or more of their officers, [*or the officers of the council or guardians by whom the committee are appointed* (*c*)], to act in the execution of this Act, and of any byelaws in force within the jurisdiction of such authority, and may, if they think fit, pay him or them for so doing, and may, if need be, appoint and pay officers for the purpose. *See p.* 57.

Power of officer of local authority to enter place of employment.

29. If it appear to any justice of the peace, on the complaint of an officer of the local authority acting under this Act, that there is reasonable cause to believe that a child is employed in contravention of this Act in any place, whether a building or not, such justice may by order under his hand empower an officer of the local authority to enter such place at any reasonable time within forty-eight hours from the date of the order, and examine such place and any person found therein touching the employment of any child therein.

Any person refusing admission to an officer authorised by an order under this section, or obstructing him in the discharge of his duty, shall for each offence be liable on summary conviction to a penalty not exceeding twenty pounds.

30. [*Provision as to powers and expenses of school board.*—Repealed by E. Act, 1902.]

31. [*Expenses of local authority other than school board.*—Repealed by E. Act, 1902.]

32. [*Provisions as to school attendance committee and appointment of local committee.*—Repealed by E. Act, 1902.]

33. [*Power to authorise appointment of school attendance committee by urban sanitary authority.*—Repealed by E. Act, 1902, except as to proviso *infra*.]

(*a*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

(*b*) That is the local education authority.

(*c*) Words in italics repealed by E. Act, 1902.

Provided, that the expenses (if any) of a school attendance committee appointed by an urban sanitary authority shall be paid out of a fund to be raised out of the poor rate of the parish or parishes comprised in the district of such authority, according to the rateable value of each parish, and the urban sanitary authority shall, for the purpose of obtaining payment of such expenses, have the same power as a board of guardians have for the purpose of obtaining contributions to their common fund under the Acts relating to the relief of the poor, and the accounts of such expenses shall be audited as the accounts of other expenses of the sanitary authority. *See pp.* 154, 159.

34. [*Clerk of school attendance committee of guardians, and application of Acts to guardians and school attendance committee.*—Repealed by E. Act, 1902.]

35. Money given under this Act for the payment of school fees for any child of a parent who is not a pauper and is resident in any parish shall be charged by the guardians having jurisdiction in such parish to that parish with other parochial charges. *See p.* 135.

Charge to parish of money for school fees.

36. [*Effect of subsequent appointment of school board.*—Repealed by E. Act, 1902.]

Legal Proceedings.

37. Sections twenty-three, twenty-four, and twenty-five of the Elementary Education Act, 1873 (*a*) (which provisions relate to legal proceedings, and the forgery of certificates), shall so far as applicable apply in the case of offences and penalties under this Act, and proceedings for such offences and penalties and of certificates for the purposes of this Act, in like manner as if those sections were enacted in this Act and in terms made applicable thereto. *See p.* 72.

Application of 36 & 37 Vict. c. 86, ss. 23—25, to penalties, and punishment for fraudulently obtaining payment of fees.

And every person who shall fraudulently obtain or enable or procure any other person to obtain from any school board (*b*) [*or local authority* (*c*)] payment, or remission of payment, or an order for payment, or remission of payment of any school fees, shall be liable on summary conviction to imprisonment for a period not exceeding fourteen days. *See p.* 138.

An order which a court of summary jurisdiction have authority to make in pursuance of this Act may be made in manner provided by the Summary Jurisdiction Acts.

38. No legal proceedings for non-attendance or irregular attendance at school shall be commenced in a court of summary jurisdiction, by any person appointed to carry out the compulsory byelaws of a school board (*b*) [*or local authority* (*c*)] except by the

No prosecutions except with the authority of two members of a school board (*b*) or local authority.

(*a*) For these sections see p. 222, *ante*.

(*b*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

(*c*) Words in italics repealed by E. Act, 1902.

direction of not less than two members of a school board (*a*) [*or school attendance committee* (*b*)]. *See p.* 49.

Exemption of employer on proof of guilt of some other person.

39. Where the offence of taking a child into employment in contravention of this Act is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a penalty as if he were the employer.

Where a child is taken into employment in contravention of this Act on the production by or with the privity of the parent of a false or forged certificate, or on the false representation of his parent that the child is of an age at which such employment is not in contravention of this Act, that parent shall be liable to a penalty not exceeding forty shillings.

Where an employer charged with taking a child into his employment in contravention of this Act proves that he has used due diligence to enforce the observance of this Act, and either that some agent or workman of his employed the child without his knowledge or consent, or that the child was employed either on the production of a forged or false certificate and under the belief in good faith in the genuineness and truth of such certificate, or on the representation by his parent that the child was of an age at which his employment would not be in contravention of this Act and under the belief in good faith in such representation, the employer shall be exempt from any penalty.

Where an employer satisfies the local authority, inspector, or other person about to institute a prosecution that he is exempt under this section by reason of some agent, workman, or parent being guilty, and gives all facilities in his power for proceeding against and convicting such agent, workman, or parent, such authority, inspector, or person shall institute proceedings against such agent, workman, or parent, and not against the employer. *See p.* 73.

Miscellaneous.

Adaptation of 36 & 37 Vict. c. 86, s. 3, respecting pauper children, to this Act.

40 (*c*). Whereas by section three of the Elementary Education Act, 1873, provision is made respecting the payment by guardians of the fees of pauper children, and with the view to adapt the said section to the provisions of this Act it is expedient to substitute for the said section the enactment following: Be it therefore enacted as follows:

Where relief out of the workhouse is given by the guardians or their order, by way of weekly or other continuing allowance to the parent of any child above the age of five years who has not reached

(*a*) References to members of a school board to be construed as references to members of the education committee or of any sub-committee appointed by that committee for school attendance purposes: E. Act, 1902, Sch. III. (3).

(*b*) Words in italics repealed by E. Act, 1902.

(*c*) See E. E. Act, 1880, sect. 5, which affects this section: p. 139.

the standard in reading, writing, and arithmetic, prescribed by standard three of the code of one thousand eight hundred and seventy-six, or who for the time being either is prohibited by this Act from being taken into full time employment, or is required by any byelaw under section seventy-four of the Elementary Education Act, 1870, as amended by this Act, to attend school, or to any such child, it shall be a condition for the continuance of such relief that elementary education in reading, writing, and arithmetic shall be provided for such child, and the guardians shall give such further relief (if any) as may be necessary for that purpose.

Any such relief to a parent as above mentioned shall not be granted on condition of the child attending any public elementary school other than such as may be selected by the parent, nor refused because the child attends or does not attend any particular public elementary school.

The guardians shall not have power under this section to give any relief to a parent in order to enable such parent to pay more than the ordinary fee payable at the school which he selects, or more than the fee which under this Act they can enable a parent to pay in any other case.

All relief given by guardians under this section shall be deemed to be relief within the meaning of the Acts relating to the relief of the poor, and shall be paid out of their common fund, and where given by the guardians of any union in the metropolis as defined by the Metropolitan Poor Act, 1867, shall be deemed to be expenses payable from the Metropolitan Common Poor Fund within the meaning of section sixty-nine of that Act, and shall be repaid to such guardians accordingly.

41. [*Dissolution of school board under certain circumstances.*—Repealed by E. Act, 1902.]

42. [*Provision of offices by school board with consent of Education Department.*—Repealed by E. Act, 1902.]

43. [*Local authority to send returns.*—Repealed by E. Act, 1902.]

44. [*Amendment of* 33 & 34 *Vict. c.* 75, *as to elections to fill casual vacancies in school board.*—Repealed by E. Act, 1902.]

Application of 33 & 34 Vict. c. 75, ss. 83, 84, to orders and documents of Education Department.

45. The provisions of the Elementary Education Act, 1870, with respect to orders and documents of the Education Department (*a*), shall apply to all orders and documents of the Education Department under this Act.

Effect of schedules.

46. The schedules to this Act shall have effect as if they were enacted in the body of this Act.

Definition of employment in case of parent.

47. A parent of a child who employs such child in any labour exercised by way of trade or for the purposes of gain, shall be deemed for the purposes of this Act to take such child into his employment.

(*a*) Now Board of Education: Board of Education Act, 1899, sect. 2 (1).

General definitions.

48. A child in this Act means a child between the ages of five and fourteen years. *See p.* 49.

Terms in this Act shall, so far as is consistent with the tenor thereof, have the same meaning as in the Elementary Education Acts, 1870 and 1873. *See p.* 73.

The term "certified efficient school" in this Act means a public elementary school, and any workhouse school certified to be efficient by the Local Government Board, and any public or state-aided elementary school in Scotland, and any national school in Ireland, and also any elementary school which is not conducted for private profit, and is open at all reasonable times to the inspection of Her Majesty's inspectors, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as may be for the time being required by the Education Department (*a*), and is certified by the Education Department (*a*) to be an efficient school. *See pp.* 40, 41.

The term "Factory Acts" in this Act, where the Factory Act of any particular year is not referred to, means [*the Factory Acts, 1833 to 1874, as amended by this Act, and includes the Workshop Acts, 1867 to 1871, as amended by this Act, and* (*b*)] any Acts for the time being in force regulating factories and workshops (*c*).

The term "Secretary of State" means one of Her Majesty's Principal Secretaries of State.

49. [*Provision as to part of a parish.*—Repealed by E. Act, 1902.]

Construction of this Act with other enactments.

50. Where any act, neglect, or default is punishable under this Act and also under any other enactment, or any byelaw made by a school board or other local authority for the time being in force, proceedings may be instituted in respect of such act, neglect, or default under this Act or such other enactment or byelaw, in the discretion of the authority or person instituting the proceedings, so that proceedings under one enactment or byelaw only be instituted in respect of the same act, neglect, or default; and any byelaw made either before or after the commencement of this Act, by any school board (*d*) or other local authority under section seventy-four of the Elementary Education Act, 1870, if otherwise valid, shall not be rendered invalid by reason that it is more stringent than the provisions of this Act; and nothing in this Act shall prejudice the effect of or derogate from any provision relating to the committal of children to industrial schools or the employment of children

(*a*) Now Board of Education : Board of Education Act, 1899, sect. 2 (1).

(*b*) Words in italics repealed by Factory and Workshop Act, 1878.

(*c*) For the Act now in force regulating factories and workshops, see Factory Act, 1901.

(*d*) References to school boards to be construed as references to local education authorities.

contained in any previous Act of Parliament which may be more stringent in its provisions than this Act. *See pp.* 37, 48.

51. [*Temporary modification as to application of Act, and saving for children in employment at passing of Act.*—Repealed by E. E. Act, 1880.]

52. [*Repeal of Acts.*—Repealed by E. E. Act, 1880.]

PART II.

53. In the application of this Act to Scotland the following provision shall have effect: **Application of the Act to Scotland.**

The provisions of this Act with respect to the conditions to be fulfilled by schools in order to obtain an annual parliamentary grant shall apply to Scotland.

SCHEDULES.

FIRST SCHEDULE.

STANDARDS OF PROFICIENCY IN READING, WRITING, AND ELEMENTARY ARITHMETIC AND PREVIOUS DUE ATTENDANCE AT SCHOOL.

For the purpose of Employment.

(1.) The standard of proficiency in reading, writing, and elementary arithmetic for the purpose of a certificate under this Act enabling a child to be employed shall be—

(a.) The standard of reading, writing, and elementary arithmetic fixed by standard four of the Code of 1876, or any higher standard.

(2.) The standard of previous due attendance at a certified efficient school for the purpose of a certificate under this Act enabling a child to be employed shall be two hundred and fifty (*a*) attendances after five years of age in not more than two schools during each year for five years, whether consecutive or not. *See p.* 40.

(3.) [Repealed by E. E. Act, 1880.]

For the purpose of the Payment of Fees.

(4.), (5.), (6.), (7.), (8.), (9.), (10.). [Repealed inferentially by E. E Act, 1891, which repeals sect. 18 of the present Act.]

(*a*) For 250 is now substituted 350, see E. E. Act, 1900, sect. 71.

Miscellaneous.

(11.) Attendance for the purpose of this schedule means an attendance as defined by the Code of 1876, and where the attendance is at a certified day industrial school includes such attendance as may be from time to time directed for the purpose by a Secretary of State (*a*), and where the attendance is at a workhouse school includes such attendance as may be from time to time directed for the purpose by the Local Government Board.

(12.) The Code of 1876 in this schedule means the Code of the Minutes of the Education Department (*c*) made in the year one thousand eight hundred and seventy-six with respect to the parliamentary grant to public elementary schools in England, and in the case of a school in Scotland means the Code of the Minutes of the Scotch Education Department made in the year one thousand eight hundred and seventy-six with respect to the parliamentary grant to elementary schools.

SECOND SCHEDULE.

[Repealed by E. Act, 1902.]

THIRD SCHEDULE.

[Repealed by E. Act, 1902.]

FOURTH SCHEDULE.

[Repealed by Stat. Law Rev. Act, 1883.]

(*a*) See p. 130.

(*c*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

ELEMENTARY EDUCATION (INDUSTRIAL SCHOOLS) ACT, 1879.

42 & 43 VICT. C. 48.

An Act to amend the Law respecting the Powers of School Boards in relation to Industrial Schools. [11*th August*, 1879.

Whereas under the Elementary Education Acts, 1870 and 1873, and the Elementary Education Act, 1876, a school board have power, with the consent of one of Her Majesty's Principal Secretaries of State, to establish, build, and maintain industrial schools, and to spread the payment of the expense of such establishment and building over a number of years not exceeding fifty, and to borrow money for that purpose: 33 & 34 Vict. c. 75, s. 28, 36 & 37 Vict. c. 86, s. 10, and 39 & 40 Vict. c. 79, s. 15.

And whereas a school board, under the said Acts, have the same power as is given to a prison authority by section twelve of the Industrial Schools Act, 1866, to contribute money towards the alteration, enlargement, or rebuilding of an industrial school, or towards the establishment or building of an industrial school, or towards the purchase of land required for the use or for the site of an industrial school: 29 & 30 Vict. c. 118, s. 12.

And whereas under the Reformatory and Industrial Schools Act Amendment Act, 1872, section twelve of the Industrial Schools Act, 1866, is extended to authorise the prison authority themselves to undertake anything towards which they are authorised by that section to contribute: 35 & 36 Vict. c. 21. 29 & 30 Vict. c. 118, s. 12.

And whereas doubts have arisen whether a school board have power to undertake themselves anything towards which they are authorised as above mentioned to contribute or have power to spread the payment of the amount of any such contribution or of the cost of any such undertaking over a number of years, and to borrow money for that purpose, and it is expedient to remove such doubts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Elementary Education (Industrial Schools) Act, 1879. Short title.

[*This Act and the Elementary Education Acts*, 1870 *and* 1873, *and the Elementary Education Act*, 1876, *may be cited together as the Elementary Education Acts*, 1870 *to* 1879 (*a*).] 33 & 34 *Vict.* c. 75. 36 & 37 *Vict.* c. 86. 39 & 40 *Vict.* c. 79.

2. A school board (*b*) shall have power themselves to undertake anything towards which they are authorised by the Industrial Extension to school

(*a*) Words in italics repealed by Stat. Law Rev. Act, 1894.

(*b*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

board of
29 & 30 Vict. c. 118.
33 & 34 Vict. c. 75.
36 & 37 Vict. c. 86.
39 & 40 Vict. c. 75.

Schools Act, 1866, as applied by the Elementary Education Acts, 1870 and 1873, and the Elementary Education Act, 1876, or any of them, to contribute, subject nevertheless to the like consent as is required in the case of any such contribution. *See p.* 34.

Power of school board to borrow for contribution towards, or undertaking cost of enlarging, &c., an industrial school.

3. Where a school board (*a*) resolve to contribute any sum of money towards, or to undertake the cost of the alteration, enlargement, or rebuilding, but not of the furnishing of an industrial school, or the establishment or building, but not of the furnishing of a school intended to be an industrial school, or the purchase of land required either for the use of an existing industrial school, or for the site of a school intended to be an industrial school, such school board (*a*), with the consent of one of Her Majesty's Principal Secretaries of State, shall have the same power of spreading the payment of the sums so contributed, or of the cost of such undertaking, over a number of years, and of borrowing money for that purpose, as they have in the case where they resolve to establish an industrial school; and the provisions of the Elementary Education Acts, 1870 and 1873, and the Elementary Education Act, 1876, and the Public Works Loans Act, 1875, shall apply accordingly. *See p.* 169.

33 & 34 Vict. c. 75.
36 & 37 Vict. c. 86.
39 & 40 Vict. c. 79.
38 & 39 Vict. c. 89.

For the purposes of this Act an industrial school means a certified industrial school and a certified day industrial school.

Power of guardians to contribute to maintenance of child in industrial school.

4 (*b*). Where a child is ordered upon complaint made by a school attendance committee to be sent to a certified industrial school, the council, [*guardians, or sanitary authority*] appointing such committee shall have, on the recommendation of the committee, the same power of contributing toward the maintenance of such child in the said school as if they were a school board (*a*), [*and the contribution by such guardians shall require the like consent as is required under section thirty-one of the Elementary Education Act, 1876, to any other expense incurred by a school attendance committee*].

39 & 40 Vict. c. 79, s. 31.

The expenses of any such contribution shall be paid in like manner as the expenses of the school attendance committee, on whose recommendation the contribution is made, are paid in pursuance of the Elementary Education Act, 1876.

39 & 40 Vict. c. 79.

(*a*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

(*b*) This section is not repealed by the E. Act, 1902, but it would seem to be consequentially repealed having regard to the repeal of the E. Act, 1876, sect. 7 (2) in part, and sect. 31; if this is not correct as to the whole section it must be so as to the words in italics.

ELEMENTARY EDUCATION ACT, 1880.

43 & 44 VICT. c. 23.

An Act to make further provision as to Byelaws respecting the attendance of Children at School under the Elementary Education Acts. [26*th August*, 1880.

[*Recital.*—Repealed Stat. Law Rev. Act, 1894.]

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction. 39 & 40 Vict. c. 79.

1. This Act may be cited as the Elementary Education Act, 1880, and shall be construed as one with the Elementary Education Act, 1876, [*and that Act and this Act may be cited together as the Elementary Education Acts*, 1876 *and* 1880 (*a*)].

Obligation to make byelaws as to the attendance of children at school. 39 & 40 Vict. c. 79.

2. It shall be the duty of the local authority (within the meaning of the Elementary Education Act, 1876,) of every school district in which byelaws respecting the attendance of children at school under section seventy-four of the Elementary Education Act, 1870, are not at the passing of this Act in force, forthwith to make byelaws under that section for such district.

33 & 34 Vict. c. 75.

If at any time [*after the thirty-first day of December one thousand eight hundred and eighty* (*a*)] it appears to the Education Department (*b*) that in any school district (*c*) there are no byelaws under that section in force, the Education Department (*b*) may either proceed under section twenty-seven of the Elementary Education Act, 1876 (*d*), (which relates to a local authority who fail to fulfil their duty under that Act,) or may make byelaws respecting the attendance of children at school in that district, and the byelaws so made shall have effect and be enforced and be subject to revocation and alteration as if they had been made by the local authority for that district and sanctioned by the Education Department (*b*) in pursuance of section seventy-four of the Elementary Education Act, 1870: [*Provided that where in a school district in which byelaws are not in force a byelaw is made in pursuance of this section, that byelaw shall not prevent a child who, at the date of the byelaw taking effect, is employed in accordance with the Elementary Education Act*, 1876, *from continuing to be so employed* (*a*)]. *See pp.* 35, 44, 64.

39 & 40 Vict. c. 79.

33 & 34 Vict. c. 75.

39 & 40 Vict. c. 79.

(*a*) Words in italics repealed by Stat. Law Rev. Act, 1894.

(*b*) Now Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*c*) References to school districts to be construed as references to areas for which local education authorities act: E. Act, 1902, Sch. III. (1).

(*d*) A reference to the provisions of the E. Act, 1902, relating to the enforcement of the performance of the local education authority's duties by mandamus is to be substituted for the reference to sect. 27 of the E. E. Act, 1870: E. Act, 1902, Sch. III. (9).

3. [*Power of school attendance committee to make byelaws.* 39 & 40 *Vict.* c. 79; 33 & 34 *Vict.* c. 75.—Repealed by E. Act, 1902.]

Enforcing of byelaws.

4. Every person who takes into his employment a child of the age of ten (*a*) and under the age of thirteen (*b*) years resident in a school district (*c*), before that child has obtained a certificate of having reached the standard of education fixed by a byelaw in force in the district for the total or partial exemption of children of the like age from the obligation to attend school, shall be deemed to take such child into his employment in contravention of the Elementary Education Act, 1876, and shall be liable to a penalty accordingly. *See pp.* 41, 72.

39 & 40 Vict. c. 79.

Proceedings may, in the discretion of the local authority or person instituting the same, be taken for punishing the contravention of a byelaw, notwithstanding that the act or neglect or default alleged as such contravention constitutes habitual neglect to provide efficient elementary education for a child within the meaning of section eleven of the Elementary Education Act, 1876: [*Provided that nothing in this section shall prevent an employer from employing any child who is employed by him or by any other person at the time of the passing of this Act, and who attends school in accordance with the provisions of the Factory and Workshop Act*, 1878 (*d*).]

39 & 40 Vict. c 79.

41 & 42 Vict. c. 16.

Amendment of 39 & 40 Vict. c. 79, s. 40, as to education being condition of relief to parents of children.

5. Notwithstanding anything contained in section forty of the Elementary Education Act, 1876, a child shall not, as a condition of the continuance of relief out of the workhouse being continued to him or his parent, be required to attend school further or otherwise than he is required to attend by a byelaw in force under section seventy-four of the Elementary Education Act, 1870, as amended by the Elementary Education Act, 1876, and this Act, in the school district in which he is resident: Provided that this section shall not apply where there is no such byelaw in force in the school district. *See p.* 139.

33 & 34 Vict. c. 75.

39 & 40 Vict. c. 79.

6. [*Repeal.* 39 & 40 *Vict. c.* 79.—Repealed by Stat. Law Rev. Act, 1894.]

SCHEDULE.

[Repealed by Stat. Law Rev. Act, 1894.]

(*a*) Raised to eleven by E. E. (School Attendance) Act, 1893, see p. 258; and to twelve by E. E. (School Attendance) Act (1893) Amendment Act, 1899, sect. 1, see p. 261.

(*b*) Raised to fourteen by E. E. Act, 1900, sect. 6 (1).

(*c*) References to school districts to be construed as references to areas for which local education authorities act: E. Act, 1902, Sch. III. (1).

(*d*) Words in italics repealed by Stat. Law Rev. Act, 1894.

EDUCATION CODE (1890) ACT, 1890.

53 & 54 VICT. c. 22.

An Act for the purpose of making operative certain Articles in the Education Code, 1890. [25*th July*, 1890.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. [*Elementary education not to be condition of grant to evening schools.*—Repealed by E. Act, 1902.]

Provisions as to special grants to schools.

2.—(1.) Where the population of the school district (*a*) in which a public elementary school is situate, or the population within two miles measured according to the nearest road from the school, is less than five hundred, and there is no other public elementary school recognised by the Education Department as available for the children of that district (*a*) or that population (as the case may be), a special parliamentary grant may be made annually to that school to the amount of ten pounds.

(2.) The said special grant shall be in addition to the ordinary annual parliamentary grant, and in addition to any special parliamentary grant made under section nineteen of the Elementary Education Act, 1876, and shall not be included in the calculation of the ordinary annual parliamentary grant for the purpose of determining whether it does or does not exceed any maximum fixed by law.

39 & 40 Vict. c. 79.

(3.) Provided that no school shall be entitled to receive a special grant under this section unless it satisfies the conditions contained in the minutes of the Education Department in force for the time being with regard to special grants under this section. *See p.* 122.

Short titles.

3.—(1.) This Act may be cited as the Education Code (1890) Act, 1890.

(2.) The Elementary Education Acts, 1870 to 1876, and the Elementary Education Act, 1880, and this Act may be cited collectively as the Elementary Education Acts, 1870 to 1890.

(*a*) The reference to school district is here, as respects the area of a local education authority being the council of a county, to be construed as a reference to a parish : E. Act, 1902, Sch. III. (1).

ELEMENTARY EDUCATION ACT, 1891.

54 & 55 VICT. C. 56.

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An Act to make further provision for assisting Education in Public Elementary Schools in England and Wales.

[*5th August*, 1891.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Fee grant and conditions thereof.

1.—(1.) After the commencement of this Act, there shall be paid, out of moneys provided by Parliament, and at such times and in such manner as may be determined by regulations of the Education Department (*a*), a grant (in this Act called a fee grant) in aid of the cost of elementary education in England and Wales at the rate of ten shillings a year for each child of the number of children over three and under fifteen years of age in average attendance at any public elementary school in England and Wales (not being an evening school) the managers of which are willing to receive the same, and in which the Education Department (*a*) are satisfied that the regulations as to fees are in accordance with the conditions in this Act. *See p.* 131.

(2.) If in any case there is a failure to comply with any of the conditions in this Act, and the Education Department (*a*) are satisfied that there was a reasonable excuse for the failure, the Department (*a*) may pay the fee grant, but in that case shall, if the amount received from fees has exceeded the amount allowed by this Act, make a deduction from the fee grant equal to that excess. *See p.* 133.

(*a*) Now Board of Education: Board of Education Act, 1899, sect. 2 (1).

(3.) For the purposes of section nineteen of the Elementary Education Act, 1876, the fee grant paid or payable to a school shall be reckoned as school pence to be met by the grant payable by the Education Department (*a*).

Limit of fees in schools receiving fee grant.

2.—(1.) In any school receiving the fee grant—

(a.) Where the average rate of fees received during the school year ended last before the first day of January one thousand eight hundred and ninety-one was not in excess of ten shillings a year for each child of the number of children in average attendance at the school; or

(b.) For which an annual parliamentary grant has not fallen due before the said first day of January;

no fee shall, except as by this Act provided, be charged for children over three and under fifteen years of age.

(2.) In any school receiving the fee grant where the said average rate was so in excess, the fees to be charged for children over three and under fifteen years of age shall not, except as by this Act provided, be such as to make the average rate of fees for all such children exceed for any school year the amount of the said excess. *See p.* 132.

Prohibition of charges in certain schools receiving fee grant.

3. In any school receiving the fee grant, where the average rate charged and received in respect of fees and books, and for other purposes, during the school year ended last before the first day of January, one thousand eight hundred and ninety-one, was not in excess of ten shillings a year for each child of the number of children in average attendance at the school, no charge of any kind shall be made for any child over three and under fifteen years of age. *See p.* 132.

Power to modify limit of fees in certain cases.

4.—(1.) Notwithstanding anything herein-before contained, the Education Department (*a*), if they are satisfied that sufficient public school accommodation, without payment of fees, has been provided for a school district, and that the charge of school fees or the increase of school fees for children over three and under fifteen years of age in any particular school receiving the fee grant is required owing to a change of population in the district, or will be for the educational benefit of the district, or any part of the district, may from time to time approve such charge or increase of fees in that school, provided that the ordinary fee for such children shall not exceed sixpence a week. *See p.* 133.

(2.) The Education Department (*a*) shall report annually to Parliament all cases in which they have sanctioned or refused the imposition or augmentation of fees under this section, with a statement of the amount of fee permitted.

(3.) The Education Department (*a*) may, if they think fit, make

(*a*) Now Board of Education: Board of Education Act, 1899, sect. 2 (1). Sub-sect. (3) is now practically obsolete, see sect. 19 of E. E. Act, 1876, p. 236 and note.

it an express condition of such approval that the amount received for any school year from the fees so charged or increased, or a specified portion of that amount, shall be taken in reduction of the fee grant which would otherwise have been payable for that school year, and in that case the fee grant shall be reduced accordingly. *See p.* 133.

5. [*Provision for free school accommodation.*—Repealed by E. Act, 1902. The following provision is to have effect in lieu thereof: "The duty of a local education authority under the Education Acts, 1870—1902, to provide a sufficient amount of public school accommodation shall include the duty to provide a sufficient amount of public school accommodation without payment of fees in any part of their area:" E. Act, 1902, Sch. III. (5).]

6. [*Power to contribute from fee grant to common school fund.*—Repealed by E. Act, 1902.]

7. [*Grouping of schools.*—Repealed by E. Act, 1902.]

Explanation of 33 & 34 Vict. c. 75, s. 17.

8. Nothing in section seventeen of the Elementary Education Act, 1870, shall prevent a school board (*a*) from admitting scholars to any school provided by the board (*a*) without requiring any fee.

Provision for equality of treatment.

9. Nothing in this Act shall give any preference or advantage to any school on the ground that it is or is not provided by a school board (*a*).

Meaning of "school year" and "average attendance."

10. In this Act the expression "school year" shall mean a year or other period for which an annual parliamentary grant is for the time being paid or payable under the minutes of the Education Department (*b*); [*and the expression "average attendance" shall, for the purposes of the fee grant, mean average attendance calculated in accordance with the minutes in force at the commencement of this Act* (*c*)].

Repeal.

11. The Acts mentioned in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

Commencement of Act.

12. This Act shall come into operation on the first day of September one thousand eight hundred and ninety-one.

Short title and construction.

13.—(1.) This Act may be cited as the Elementary Education Act, 1891, and shall be construed as one with the Elementary Education Acts, 1870 to 1890.

(2.) The Elementary Education Acts, 1870 to 1890, and this Act, may be cited collectively as the Elementary Education Acts, 1870 to 1891.

(*a*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

(*b*) Now Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*c*) Words in italics repealed by E. E. Act, 1900, sect. 8.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
33 & 34 Vict. c. 75.	The Elementary Education Act, 1870.	Section twenty-six.
39 & 40 Vict. c. 79.	The Elementary Education Act, 1876.	Section eighteen.

ELEMENTARY EDUCATION (BLIND AND DEAF CHILDREN) ACT, 1893.

56 & 57 VICT. c. 42.

An Act to make better Provision for the Elementary Education of Blind and Deaf Children in England and Wales.

[12*th September*, 1893.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Obligation of parents as to blind and deaf children.

1.—(1.) The efficient elementary instruction which under the Elementary Education Act, 1876, a parent must cause his child to receive, shall, in the case of a blind or deaf child, be construed as including instruction suitable to such a child, and the fact of a child being blind or deaf shall not of itself, except in the case of a deaf child under seven years of age, be a reasonable excuse for not causing the child to attend school, or for neglecting to provide efficient elementary instruction for the child. *See p.* 38.

(2.) In the case of a blind or deaf child, the fact that there is not within any particular distance from the residence of the child any public elementary school which the child can attend shall not of itself be a reasonable excuse for not causing the child to attend school, or for neglecting to provide efficient elementary instruction for the child. *See p.* 38.

Duty of school authority with respect to blind and deaf children.

2.—(1.) It shall be the duty of every school authority (*a*), as defined by this Act, to enable blind and deaf children resident in their district, for whose elementary education efficient and suitable provision is not otherwise made, to obtain such education in some

(*a*) That is now the local education authority: see sect. 4, *post*, and E. Act, 1902, Sch. III. (1).

school for the time being certified by the Education Department (*a*) as suitable for providing such education, and for that purpose either to establish or acquire and to maintain a school so certified, or to contribute, on such terms and to such extent as may be approved by the Education Department (*a*), towards the establishment or enlargement, alteration, and maintenance of a school so certified, or towards any of these purposes, and, where necessary or expedient, to make arrangements, subject to regulations of the Education Department (*a*), for boarding out any blind or deaf child in a home conveniently near to the certified school where the child is receiving elementary education. *See pp.* 28, 29.

(2.) Provided that the duty of a school authority (*b*) under this section shall not extend to children who are—

(a.) idiots or imbeciles; or

(b.) resident in a workhouse or in any institution to which they have been sent by a board of guardians from a workhouse; or

(c.) boarded out by guardians.

(3.) Where a school authority (*b*) contributes under this section to the establishment, enlargement, or alteration of a certified school maintained by another authority, the terms approved by the Education Department (*a*) shall include security for repayment of the value of the contribution, in the event of the school ceasing to be certified. *See pp.* 28, 30.

Power to make provision for representation.

3. The terms of contribution approved by the Education Department (*a*) may include provision for representation of the contributing school authority on the governing body of the school to which it contributes, in cases where such representation appears to the Education Department (*a*) to be practicable and expedient. *See p.* 30.

Constitution of school authority.

4. The school authority (*b*) for the purposes of this Act shall be—

(a.) for an area under a school board, the school board (*c*);

[(b.) *for an area not under a school board, any district council established for the local government of the district comprising that area under an Act of the present or any future session of Parliament, acting through a committee of that council appointed for educational purposes, and until such a council is established, the board of guardians, or borough council or urban sanitary authority, appointing a school attendance committee for the area, acting through that committee* (*d*).]

Powers and expenses of school authority.

5.—(1.) For the performance of their duties under this Act a school authority (*b*) may, without prejudice to any other powers, exercise the like powers as may be exercised by a school board (*c*)

(*a*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*b*) That is now the local education authority: see sect. 4, and E. Act, 1902, Sch. III. (1).

(*c*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

(*d*) Words in italics repealed by E. Act, 1902.

for the provision of school accommodation for their district (*a*), and the consent of the Education Department (*b*) to the exercise of the power of borrowing for the purposes of this Act may be given in any case in which the exercise of that power appears to the Department (*b*) expedient. *See pp.* 30, 168.

(2.) The expenses of a school authority (*c*) under this Act shall be paid out of the fund applicable to their general expenses, [*or where the school authority are a board of guardians, out of a fund to be raised out of the poor rate of the parishes for which the school attendance committee of the board act, according to the rateable value of each parish* (*d*)]. *See p.* 165.

(3.) and (4.) [Repealed by E. Act, 1902.]

6. [*Provision in case of failure of duty by school authority.*— Repealed by E. Act, 1902.]

7.—(1.) A school shall not be certified by the Education Department (*e*) as suitable for providing elementary education for blind or deaf children— Conditions and effect of grant of certificate to school for blind or deaf children.

(a.) if it is conducted for private profit; nor

(b.) unless it is either managed by a school authority (*c*), or the annual expenses of its maintenance are, to the extent of not less than one-third, defrayed out of sources other than local rates, or moneys provided by Parliament, and are audited and published in accordance with regulations of the Education Department (*e*); nor

(c.) unless it is open at all times to the inspection of Her Majesty's Inspectors of Schools and of any visitors authorised by any school authority (*c*) sending children to the school; nor

(d.) unless the requirements of this Act are complied with in the case of the school.

(2.) Every school so certified (in this Act referred to as a certified school) shall be deemed to be a certified efficient school within the meaning of the Elementary Education Act, 1876 (*f*), and for the purposes of section eleven of that Act may, in the case of a blind or deaf child, be treated as if it were a public elementary school.

(3.) A certificate granted in pursuance of this section shall be annual.

(4.) For the purposes of this section there shall be included in local rates any sum received under this Act by a school authority (*c*)

(*a*) References to school districts to be construed as references to areas for which local education authorities act: E. Act, 1902, Sch. III. (1).

(*b*) Local Government Board is to be here substituted for Education Department: E. Act, 1902, Sch. III. (8).

(*c*) Now the local education authority: see sect. 4, and E. Act, 1902, Sch. III. (1).

(*d*) Words in italics repealed by E. E. Act, 1900.

(*e*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*f*) See p. 40.

from a parent and applied towards the general expenses of the school authority. *See p.* 141.

Provisions as to religious instruction.

8.—(1.) If and so far as the school which a child is required in pursuance of this Act to attend is not a public elementary school, it must, in all matters relating to the religious instruction and observances of the child, be conducted in accordance with the rules applying to industrial schools, except that references in the Industrial Schools Act, 1866 (*a*), and the rules made under it, to the Secretary of State shall be construed as references to the Education Department (*b*); and any school authority (*c*) may provide and maintain for the purposes of this Act a school so conducted.

29 & 30 Vict. c. 118.

(2.) Every rule made under this section shall be forthwith laid before both Houses of Parliament.

(3.) In selecting a school under this Act the school authority (*c*) shall be guided by the rules laid down in the Industrial Schools Act, 1866 (*a*), and if a child is boarded out in pursuance of this Act, the school authority (*c*) shall, if possible, arrange for the boarding out being with a person belonging to the religious persuasion of the child's parent. *See p.* 30.

(4.) Where a child is required in pursuance of this Act to attend any school, the child shall not be compelled to receive religious instruction contrary to the wishes of the parent, and shall, so far as practicable, have facilities for receiving religious instruction and attending religious services conducted in accordance with the parent's persuasion, which shall be duly registered on the child's admission to the school.

Liability of parent for expenses of blind or deaf child.

9.—(1.) Where a school authority (*c*) incur any expense under this Act in respect of any blind or deaf child, the parent of the child shall be liable to contribute towards the expenses of the child such weekly sum, if any, as, regard being had to the provisions of the Elementary Education Act, 1891, may be agreed on between the school authority (*c*) and the parent, or, if the parties fail to agree, as may, on the application of either party, be settled by a court of summary jurisdiction, and any sum so agreed on or settled may, without prejudice to any other remedy, be recovered by the school authority (*c*) summarily as a civil debt. *See p.* 141.

54 & 55 Vict. c. 56.

(2.) It shall be the duty of the school authority (*c*) to enforce any order made under this section, and any sum received by a school authority under this section may be applied by the school authority (*c*) in aid of their general expenses. *See p.* 142.

(3.) A court competent to make an order under this section may at any time revoke or vary any order so made.

(*a*) For the Act, see p. 353.

(*b*) Now the Board of Education : Board of Education Act, 1899, sect. 2 (1).

(*c*) That is the local education authority : see sec.. 4, and E. Act, 1902, Sch. III. (1).

10.—(1.) The parent of a blind or deaf child shall not, by reason of any payment made under this Act in respect of the child, be deprived of any franchise, right, or privilege, or be subject to any disability or disqualification. Saving for rights of parent.

(2.) Payments under this Act shall not be made on condition of a child attending any certified school other than such as may be reasonably selected by the parent, nor refused because the child attends or does not attend any particular certified school. *See p.* 142.

11. For the purposes of the Elementary Education Acts, 1870 to 1891, a blind or deaf boy or girl shall be deemed to be a child until the age of sixteen years; and the period of compulsory education shall, in the case of such a child, extend to sixteen years, and the attendance of such a child at school may be enforced as if it were required by byelaws made under the Elementary Education Acts, 1870 to 1891; and any such child shall not, in pursuance of any such byelaws, be entitled to total or partial exemption from the obligation to attend school. Period of education for blind and deaf. *See p.* 29.

12. Nothing in any Act of Parliament shall prevent the Education Department (*a*) from giving aid from the parliamentary grant to a certified school in respect of education given to blind or deaf children to such amount and on such conditions as may be directed by or in pursuance of the minutes of the Education Department (*a*) in force for the time being. Grants from public money towards education of blind and deaf children. *See p.* 124.

13.—(1.) As from the first day of July one thousand eight hundred and ninety-four so much of any enactment in force at that date as empowers boards of guardians to send blind or deaf children to school shall be repealed, except as to children who are— Repeal of powers of guardians to send blind or deaf children to school.

(a.) idiots or imbeciles; or

(b.) resident in a workhouse or in an institution to which they have been sent by a board of guardians from a workhouse; or

(c.) boarded out by guardians.

(2.) Provided that, where any blind or deaf child with respect to whom the powers of guardians cease in pursuance of this section is on the first day of July one thousand eight hundred and ninety-four relieved in any institution by a board of guardians, the child shall continue chargeable as if this Act had not passed, until the expiration of six months' notice to be given by the guardians, if they think fit, to the school authority (*b*) of the district (*c*) from which the child was sent.

14. The Education Department (*a*) shall annually lay before both Houses of Parliament a report of their proceedings under this Act during the preceding year, and in that report shall give lists of Report to be laid before Parliament.

(*a*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*b*) That is the local education authority: see sect. 4, and E. Act, 1902, Sch. III. (1).

(*c*) References to school districts to be construed as references to the areas for which local education authorities act: E. Act, 1902, Sch. III. (1).

the schools to which they have granted and refused certificates under this Act during the year, with their reasons for each such refusal.

Interpretation of terms.

15.—(1.) In this Act—

The expression "blind" means too blind to be able to read the ordinary school books used by children; *See p.* 29.

The expression "deaf" means too deaf to be taught in a class of hearing children in an elementary school; *See p.* 29.

The expression "school" includes any institution in which blind or deaf children are boarded or lodged as well as taught, and any establishment for boarding or lodging children taught in a certified school;

The expression "elementary education" may include industrial training whether given in the school which the child attends or not;

The expression "maintenance" includes clothing;

The expression "expenses" when used in relation to a child, includes the expenses of and incidental to the attendance of the child at a school, and of and incidental to the maintenance and boarding-out of the child while so attending, and the expenses of conveying the child to or from the school; *See p.* 165.

Other expressions have, unless the contrary intention appears, the same meaning as in the Elementary Education Acts, 1870 to 1891.

(2.) For the purposes of this Act a child resident in a school or boarded out in pursuance of this Act shall be deemed to be resident in the district (*a*) from which the child is sent.

Extent of Act.

16. This Act shall not extend to Scotland or Ireland.

Commencement of Act.

17. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-four.

Short title.

18. This Act may be cited as the Elementary Education (Blind and Deaf Children) Act, 1893, and shall be read with the Elementary Education Acts, 1870 to 1891.

ELEMENTARY EDUCATION (SCHOOL ATTENDANCE) ACT, 1893 (*b*).

56 & 57 VICT. C. 51.

An Act to amend the Elementary Education Acts with respect to the age for attendance at School. [22*nd September*, 1893.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

(*a*) References to a school district to be construed as references to areas for which local education authorities act.

(*b*) See the Amending Act, p. 261.

and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Age for exemption from school attendance.

1. The age at which a child may, in pursuance of any byelaw made under the Elementary Education Acts, 1870 to 1891, obtain total or partial exemption from the obligation to attend school, on obtaining a certificate as to the standard of examination which he has reached shall be raised to eleven (*a*), and every such byelaw, so far as it provides for such exemption, shall be construed and have effect as if a reference to eleven (*a*) years of age were substituted therein for a reference to a lower age, and in section seventy-four of the Elementary Education Act, 1870, eleven (*a*) shall be substituted for ten. *See pp.* 40, 42.

33 & 34 Vict. c. 75.

Penalty for employment of children before exemption from school attendance. 39 & 40 Vict. c. 79.

2. If any person takes a child into his employment in such manner as to prevent the child from attending school in accordance with the byelaw for the time being in force in the district in which the child resides, he shall be deemed to take the child into his employment in contravention of the Elementary Education Act, 1876, and shall be liable to a penalty accordingly. *See p.* 72.

Saving.

3. Nothing in this Act shall apply in the case of any child who at the passing of this Act is under the byelaws then in force in the district in which he resides exempt wholly or partially, as the case may be, from the obligation to attend school.

Commencement of Act.

4. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-four.

Short title.

5. This Act may be cited as the Elementary Education (School Attendance) Act, 1893, and shall be read with the Elementary Education Acts, 1870 to 1891.

VOLUNTARY SCHOOLS ACT, 1897.

60 VICT. C. 5.

An Act to provide for a Grant out of the Exchequer in Aid of Voluntary Elementary Schools, and for the Exemption from Rates of those Schools, and to repeal part of Section Nineteen of the Elementary Education Act, 1876. [*8th April*, 1897.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. [*Aid grant to voluntary elementary schools.*—Repealed by E. Act, 1902.]

Repeal of 17*s.* 6*d.* limit in 39 & 40

2. After the last day of March one thousand eight hundred and ninety-seven, the following words in section nineteen of the

(*a*) Raised to twelve by E. E. (School Attendance) Act (1893) Amendment Act, 1899, sect. 1 : see p. 261.

Vict. c. 79. s. 19, as respects day schools in England and Wales.

Elementary Education Act, 1876, namely, "such grant shall not in any year be reduced by reason of its excess above the income of the school if the grant do not exceed the amount of seventeen shillings and sixpence per child in average attendance at the school during that year, but shall not exceed that amount per child, except by the same sum by which the income of the school derived from voluntary contributions, rates, school fees, endowments, or any source whatever other than the parliamentary grant, exceeds the said amount per child, and" shall be repealed so far as they apply to day schools (*a*) in England and Wales.

Exemption from rates of voluntary elementary schools.

3. No person shall be assessed or rated to or for any local rate in respect of any land or buildings used exclusively or mainly for the purposes of the schoolrooms offices or playground of a voluntary school, except to the extent of any profit derived by the managers of the school from the letting thereof. *See p.* 121.

Definitions.

4. In this Act, unless the context otherwise requires—

The expression "voluntary school" means a public elementary day school not provided by a school board (*b*):

Any reference to the number of scholars in schools means the number of scholars in average attendance as computed by the Education Department (*c*):

The expression "local rate" means a rate the proceeds of which are applicable to public local purposes, and which is leviable on the basis of an assessment in respect of the yearly value of property, and includes any sum which, though obtained in the first instance by a precept, certificate, or other instrument requiring payment from some authority or officer, is or can be ultimately raised out of a local rate as before defined:

Other expressions have the same meaning as in the Elementary Education Acts, 1870 to 1893.

Extent of Act and short title.

5.—(1.) This Act shall not extend to Scotland or Ireland.

(2.) This Act may be cited as the Voluntary Schools Act, 1897.

(*a*) As to evening schools, see note (*a*), p. 236.

(*b*) References to school boards to be construed as references to local education authorities. The expression "voluntary school" apparently still exists on statutory authority, and is the correct expression when speaking of a public elementary day school not provided by a local education authority. See p. 23, note (*a*).

(*c*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

ELEMENTARY EDUCATION (SCHOOL ATTENDANCE) ACT (1893) AMENDMENT ACT, 1899.

62 & 63 VICT. C. 13.

An Act to amend the Law respecting the Employment and Education of Young Children. [13*th July*, 1899.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of 56 & 57 Vict. c. 51.

1. On and after the first day of January one thousand nine hundred the Elementary Education (School Attendance) Act, 1893, shall have effect as if "twelve" were substituted therein for "eleven." *See pp.* 39, 40.

Provided that nothing in this Act shall apply in the case of any child who at the said date is, under the byelaws then in force in the school district in which he resides, exempt, wholly or partially, as the case may be, from the obligation to attend school.

Provided also that the local authority for any district may, by byelaw for any parish within their district, fix thirteen years as the minimum age for exemption from school attendance in the case of children to be employed in agriculture, and that in such parish such children over eleven and under thirteen years of age who have passed the standard fixed for partial exemption from school attendance by the byelaws of the local authority shall not be required to attend school more than two hundred and fifty times in any year. *See pp.* 40, 42.

Such byelaw shall have effect as a byelaw made under section seventy-four of the Elementary Education Act, 1870, and all Acts amending the same.

The local authority shall be the local authority fixed by section seven of the Elementary Education Act, 1876 (*a*).

Provided also that a child shall be entitled to obtain partial exemption from school attendance on attaining the age of twelve years if such child has made three hundred attendances in not more than two schools during each year for five preceding years whether consecutive or not. *See p.* 42.

Short title and construction.

2. This Act may be cited as the Elementary Education (School Attendance) Act (1893) Amendment Act, 1899, and shall be read with the Elementary Education Acts, 1870 to 1897.

(*a*) That will be now the local education authority as the successor of the school board, the school attendance committee having ceased to be a local authority under the Act of 1876: see sect. 7 of the Act, *ante*, p. 228, and E. Act, 1902, Sch. IV. Part II.

ELEMENTARY EDUCATION (DEFECTIVE AND EPILEPTIC CHILDREN) ACT, 1899.

62 & 63 VICT. C. 32.

ARRANGEMENT OF SECTIONS.

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An Act to make better provision for the Elementary Education of Defective and Epileptic Children in England and Wales.

[*9th August*, 1899.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to school authority to determine what children are defective or epileptic. 56 & 57 Vict. c. 42.

1.—(1.) A school authority, as defined by the Elementary Education (Blind and Deaf Children) Act, 1893 (*a*), may, with the approval of the Education Department (*b*) make such arrangements as they think fit for ascertaining—

(a.) what children in their district (*c*), not being imbecile, and not being merely dull or backward, are defective, that is to say, what children by reason of mental or physical defect are incapable of receiving proper benefit from the instruction in the ordinary public elementary schools, but are not incapable by reason of such defect of receiving benefit from instruction in such special classes or schools as are in this Act mentioned; and

(b.) what children in their district (*c*) are epileptic children, that

(*a*) That is the local education authority: see *ante*, p. 253.

(*b*) Now Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*c*) References to school districts to be construed as references to areas for which local education authorities act: E. Act, 1902, Sch. III. (1).

is to say, what children, not being idiots or imbeciles, are unfit by reason of severe epilepsy to attend the ordinary public elementary schools.

(2.) The school authority (*a*), in making their arrangements under this section, shall provide facilities for enabling any parent, who is of opinion that his child ought to be dealt with under this Act, to present such child to the school authority (*a*) to be examined, although he may not have been required so to do by that authority; and any school authority (*a*) failing to provide such facilities shall be deemed to have acted in contravention of this Act.

(3.) For the purpose of ascertaining whether a child is defective or epileptic within the meaning of this section, a certificate to that effect by a duly qualified practitioner approved by the Education Department (*b*) shall be required in each case. The certificate shall be in such form as may be prescribed by the Education Department (*b*).

(4.) For the purpose of the exercise of the powers conferred by this section, it shall be the duty of the parent of any child who may be required by the school authority (*a*) to be examined to cause the child to attend such examination, and any parent who fails to comply with such requirement shall be liable on summary conviction to a fine not exceeding five pounds.

Power to provide for education of defective and epileptic children.

2.—(1.) Where a school authority (*a*) have ascertained that there are in their district (*c*) defective children, they may make provision for the education of such children by all or any of the following means:—

(a.) by classes in public elementary schools certified by the Education Department (*b*) as special classes; or

(b.) by boarding out, subject to the regulations of the Education Department (*b*), any such child in a house conveniently near to a certified special class or school; or

(c.) by establishing schools, certified by the Education Department (*b*) for defective children. *See p.* 30.

(2.) Where a school authority (*a*) have ascertained that there are in their district (*c*) epileptic children, they may make provision for the educations of such children by establishing schools, certified by the Education Department (*b*) for epileptic children. *See p.* 31.

(3.) The power conferred by this section shall include power to establish or acquire and to maintain certified schools, and to contribute, on such terms and to such extent as may be approved by the Education Department (*b*), towards the establishment, enlargement, or alteration, and towards the maintenance of certified schools. *See p.* 31.

(*a*) That is the local education authority: see note (*a*) preceding page.

(*b*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*c*) References to school districts to be construed as references to areas for which local education authorities act: E. Act, 1902, Sch. III. (1).

(4.) A school authority (*a*) may in respect of children resident in or whose permanent home is in their district (*b*) and attending certified special classes or schools in the district (*b*) of another school authority (*a*), contribute to that other authority (*a*) the proportionate cost of the provision and maintenance of such special classes or schools. *See p.* 165.

(5.) The school authority (*a*), acting under this section, shall make provision for the examination from time to time of any child dealt with under this section, in order to ascertain whether such child has attained such a mental and physical condition as to be fit to attend the ordinary classes of public elementary schools; and the school authority (*a*) shall make provision for such examination in the case of any child whose parent claims such examination of his child, provided that the parent shall not make such claim within less than six months after his child has been examined: and any school authority (*a*) failing to make such provision as this sub-section requires shall be deemed to have acted in contravention of this Act. *See p.* 32.

(6.) The Education Department (*c*) shall not certify any establishment established after the commencement of this Act for boarding and lodging more than fifteen defective or epileptic children in one building or comprising more than four such buildings.

Provision of guides or conveyances.

3. A school authority (*a*) may provide guides or conveyances for children who, in the opinion of the school authority (*a*), are by reason of any physical or mental defect, unable to attend school without guides or conveyances. *See p.* 32.

Obligation of parent as to defective and epileptic children. 39 & 40 Vict. c. 79.

4.—(1.) The duty of a parent under section four of the Elementary Education Act, 1876, to provide elementary instruction for his child shall, in the case of a defective or epileptic child over seven years of age in any place where a certified special class or school is within reach of the child's residence, include the duty to cause the child to attend such a class or school, and a parent shall not be excused from this duty by reason only that a guide or conveyance for the child is necessary.

(2.) In the case of an epileptic child whose age exceeds seven years, the school authority (*a*) may, if they think fit, apply to a court of summary jurisdiction for an order requiring the child to be sent to a certified school for epileptics, and if any parent fails to comply with the order, he shall be deemed to have failed to perform the duty prescribed by section four of the Elementary Education Act, 1876, and may be proceeded against accordingly.

Conditions and effect of grant of certificate to school for defective or epileptic children.

5. The provisions of section seven of the Elementary Education (Blind and Deaf Children) Act, 1893, respecting the conditions and

(*a*) That is the local education authority: see note (*a*) to sect. 1.

(*b*) References to school districts to be construed as references to areas for which local education authorities act: E. Act, 1902, Sch. III. (1).

(*c*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

effect of the grant of certificates to schools for blind or deaf children shall apply, with the necessary modifications to schools for defective or epileptic children established or proposed to be established under this Act, except that no requirement need be made as to the proportion of the expenses to be defrayed out of private sources.

Powers and expenses of school authority. 56 & 57 Vict. c. 42.

6. The provisions of section five of the Elementary Education (Blind and Deaf Children) Act, 1893 (relating to the powers and expenses of a school authority under that Act) shall apply, with the necessary modifications, to school authorities (*a*) acting under this Act. *See pp.* 32, 165.

[*Provided that a parish in which there is a school board shall be exempt from contributing to the expenses incurred by any district council acting as a school authority under this Act, and where a school authority are an urban district council their expenses as such authority shall be paid out of the fund to be raised in the area for which they are a school authority in the same manner as the fund out of which their general expenses are payable is raised in the urban district.*—Repealed by E. Act, 1902.]

Grants from public money towards education of defective and epileptic children.

7. Nothing in any Act of Parliament shall prevent the Education Department (*b*) from giving aid from the parliamentary grant to a school in respect of education given to defective or epileptic children to such amount and on such conditions as may be directed by or in pursuance of the minutes of the Education Department (*b*) in force for the time being. *See p.* 124.

Contribution by parent.

8.—(1.) The parent of a defective or epileptic child shall be liable to contribute towards the expenses of the child incurred by a school authority (*a*) under this Act, in like manner and to the like extent as the parent of a blind or deaf child is liable to contribute under section nine of the Elementary Education (Blind and Deaf Children) Act, 1893, and the provisions of that section shall apply accordingly. *See p.* 141.

(2.) The parent of a defective or epileptic child shall not, by reason of any payment made under this Act in respect of the child be deprived of any franchise, right, or privilege, or be subject to any disability or disqualification. *See p.* 142.

(3.) Payments under this Act shall not be made on condition of a child attending any certified school other than such as may be reasonably selected by the parent, nor refused because the child attends or does not attend any particular certified school. *See p.* 142.

Contribution by guardians of the poor.

9. The board of guardians of any poor law union may contribute such of the expenses of providing, enlarging, or maintaining any certified special class or school under this Act as are certified by the Education Department (*b*) to have been incurred wholly or

(*a*) That is the local education authority : see note (*a*), sect. 1, *ante*.

(*b*) Now Board of Education : Board of Education Act, 1899, sect. 2 (1).

partly in respect of scholars taught at the class or school who are either resident in a workhouse or in an institution to which they have been sent by the guardians from a workhouse or boarded out by the guardians. *See p.* 140.

Limitation on liability of school authority.

10. Nothing in this Act shall be construed as imposing a duty on a school authority (*a*) to receive in a special class or school established by them any child—

(a.) who is resident in, or whose permanent home in their opinion is in, the district of another school authority; or

(b.) who is resident in a workhouse, or in any institution to which he has been sent by the guardians, from a workhouse, or boarded out by the guardians,

unless that other school authority (*a*) or, as the case may be, the guardians are willing to contribute towards the expenses of the education and maintenance of the child such sum as may be agreed on between the authorities (*a*) concerned. *See p.* 32.

Period of education for defective and epileptic children.

11. For the purposes of the Elementary Education Acts, 1870 to 1893, and of this Act, a defective or epileptic boy or girl shall be deemed to be a child until the age of sixteen years, and the period of compulsory education shall, in the case of such a child, extend to sixteen years, and the attendance of such a child at school may be enforced as if it were required by byelaws made under the Elementary Education Acts, 1870 to 1893, and any such child shall not, in accordance with such byelaws, be entitled to total or partial exemption from the obligation to attend school. *See p.* 31.

Religious instruction.

56 & 57 Vict. c. 42.

12. The provisions regulating religious instruction in certified schools for defective and epileptic children shall be the same as those enacted by section eight of the Elementary Education (Blind and Deaf Children) Act, 1893. *See p.* 31.

Report to Parliament.

13. Every school authority (*a*) shall make to the Education Department (*b*) such returns as the Department (*b*) may require; and the Department (*b*) shall annually lay before both Houses of Parliament a report of their proceedings under this Act during the preceding year, and in that report shall give lists of the schools and classes to which they have granted or refused certificates under this Act during the year, with their reasons for each such refusal.

Interpretation of terms.

14. In this Act—

The expression "school" includes any institution in which defective or epileptic children are boarded or lodged as well as taught, and any establishment for boarding or lodging children taught in a certified special class or school:

Other expressions have, unless the contrary intention appears, the same meaning as in the Elementary Education (Blind and Deaf Children) Act, 1893.

(*a*) That is the local education authority: see note (*a*), sect. 1, *ante*.

(*b*) Now Board of Education: Board of Education Act, 1899, sect. 2 (1).

15. This Act may be cited as the Elementary Education (Defective and Epileptic Children) Act, 1899, and may be cited with the Elementary Education Acts, 1870 to 1893. Short title.

ELEMENTARY EDUCATION ACT, 1900.

63 & 64 VICT. c. 53.

An Act to amend the Elementary Education Acts, 1870 to 1893.

[*8th August*, 1900.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. For the purpose of the fee grant under the Elementary Education Act, 1891, average attendance shall be calculated in accordance with the minutes of the Board of Education in force for the time being in respect to public elementary schools. Calculation of average attendance. 54 & 55 Vict. c. 56.

2. The board of guardians of any poor law union may contribute towards such of the expenses of providing, enlarging, or maintaining, any public elementary school as are certified by the Board of Education to have been incurred wholly or partly in respect of scholars taught at the school, who are either resident in a workhouse or in an institution to which they have been sent by the guardians from a workhouse, or boarded out by the guardians. Power of guardians to contribute to expenses of public elementary school.

See p. 140.

3. [*Expenses of blind and deaf children.* 56 & 57 *Vict. c.* 42.—Repealed by E. Act, 1902.]

4.—(1.) Where a child is committed to a certified industrial school, at the instance of a school board (*a*) or other local authority within the meaning of the Elementary Education Acts, 1870 to 1893, the authority may pay the expenses of and incidental to the conveyance of the child to and from the school, and the sending of the child out on licence or bringing back the child on the expiration or revocation of a licence. Expenses of children in industrial schools.

(2.) Where any such local authority have contributed to the support of a child in an industrial school they may contribute to the ultimate disposal of the child.

See p. 166.

5. Where two or more school boards (*a*) combine for the establishment of a joint industrial school under a joint body of managers, the enactments relating to the audit of school board accounts shall apply as if the joint body of managers were a school board (*a*). Accounts relating to joint industrial schools.

See p. 193.

(*a*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).

Byelaws for compulsory attendance.

6.—(1.) In section seventy-four of the Elementary Education Act, 1870, and in section four of the Elementary Education Act, 1880 (which relate to byelaws for the attendance of children at school), fourteen years shall be substituted for thirteen years. *See p.* 37.

(2.) The maximum penalty for the breach of a byelaw requiring the attendance of a child at an elementary school, or of an attendance order made under the Elementary Education Act, 1876, shall be twenty shillings, and accordingly twenty shillings shall be substituted for five shillings in section seventy-four of the Elementary Education Act, 1870, and in section twelve of the Elementary Education Act, 1876. *See p.* 43.

33 & 34 Vict. c. 75.

(3.) The said section seventy-four shall have effect as if the sanction therein referred to were the sanction of the Board of Education instead of the sanction of Her Majesty in Council. *See p.* 35.

Amendment of 39 & 40 Vict. c. 79, as to standard of attendances.

7. In paragraph two of the First Schedule to the Elementary Education Act, 1876 (which relates to the standard of previous due attendance at a certified efficient school), three hundred and fifty shall be substituted for two hundred and fifty. *See p.* 40.

Repeal.

8. The Acts mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Short title.

9. This Act may be cited as the Elementary Education Act, 1900, and may be cited with the Elementary Education Acts, 1870 to 1893.

SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 56.	The Elementary Education Act, 1891.	Section ten, from "and the expression" to the end of the section.
56 & 57 Vict. c. 42.	The Elementary Education (Blind and Deaf Children) Act, 1893.	Section four, from "and until" to the end of the section. Section five, from "or where the school authority" to "value of each parish."

EDUCATION ACT, 1901.

1 EDW. 7, c. 11.

An Act for enabling local authorities to empower School Boards temporarily to carry on certain schools; and for sanctioning certain School Board expenses. [*9th August*, 1901.

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Temporary provision for certain school board schools.

1.—(1.) Where a school board has at any time during the twelve months immediately preceding the thirty-first day of July one thousand nine hundred and one maintained out of the school fund any school or class to the maintenance of which the school fund is not lawfully applicable, the council of the county or county borough within which the school or class is held, or, with the sanction of the Board of Education, any other local authority under the Technical Instruction Acts, 1889 and 1891 (*a*), for the district within which the school or class is held, may empower the school board to carry on for the period of one year from that day the work of the school or class to such extent and on such terms as may be agreed on between such council or local authority and the school board, and to apply to the maintenance of the school or class such sum out of the school fund as the council or local authority may sanction. *See p.* 103.

(2.) Where any expenses incurred by a school board in respect of any such school or class before the said day are sanctioned by the Local Government Board the legality of those expenses shall not be questioned in any court.

Short title.

2. This Act may be cited as the Education Act, 1901.

EDUCATION ACT, 1901, (RENEWAL) ACT, 1902.

2 EDW. 7, c. 19.

An Act to renew the Education Act, 1901.

[*31st July*, 1902.

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Renewal of Education Act, 1901.

1. The Education Act, 1901, shall have effect, as respects the

(*a*) *I.e.*, any urban sanitary authority (Technical Instruction Act, 1887, sect. 4): now urban district council (Local Government Act, 1894, sect. 21 (1)).

year ending the thirty-first day of July one thousand nine hundred and three, as if "one thousand nine hundred and two" were substituted for "one thousand nine hundred and one" in section one of that Act.

Short title.

2. This Act may be cited as the Education Act, 1901, (Renewal) Act, 1902.

EDUCATION ACT, 1902.

2 EDW. 7, C. 42.

ARRANGEMENT OF SECTIONS.

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An Act to make further provision with respect to Education in England and Wales. [*18th December*, 1902.

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.—LOCAL EDUCATION AUTHORITY.

Local education authorities.

1. For the purposes of this Act the council of every county and of every county borough shall be the local education authority:

Provided that the council of a borough with a population of over

ten thousand, or of an urban district with a population of over twenty thousand, shall, as respects that borough or district, be the local education authority for the purpose of Part III. of this Act, and for that purpose as respects that borough or district, the expression "local education authority" means the council of that borough or district. *See pp.* 1, 4, 9, 10.

PART II.—HIGHER EDUCATION.

Power to aid higher education.

2.—(1.) The local education authority shall consider the educational needs of their area and take such steps as seem to them desirable, after consultation with the Board of Education, to supply or aid the supply of education other than elementary, and to promote the general co-ordination of all forms of education, and for that purpose shall apply all or so much as they deem necessary of the residue under section one of the Local Taxation (Customs and Excise) Act, 1890, and shall carry forward for the like purpose any balance thereof which may remain unexpended, and may spend such further sums as they think fit: Provided that the amount raised by the council of a county for the purpose in any year out of rates under this Act shall not exceed the amount which would be produced by a rate of twopence in the pound, or such higher rate as the county council, with the consent of the Local Government Board, may fix. *See pp.* 99, 156, 158.

53 & 54 Vict. c. 60.

(2.) A council, in exercising their powers under this Part of this Act, shall have regard to any existing supply of efficient schools or colleges, and to any steps already taken for the purposes of higher education under the Technical Instruction Acts, 1889 and 1891. *See p.* 100.

52 & 53 Vict. c. 76. 54 & 55 Vict. c. 4.

Concurrent powers of smaller boroughs and urban districts.

3. The council of any non-county borough or urban district shall have power as well as the county council to spend such sums as they think fit for the purpose of supplying or aiding the supply of education other than elementary: Provided that the amount raised by the council of a non-county borough or urban district for the purpose in any year out of rates under this Act shall not exceed the amount which would be produced by a rate of one penny in the pound. *See pp.* 100, 158.

Religious instruction.

4.—(1.) A council, in the application of money under this Part of this Act, shall not require that any particular form of religious instruction or worship or any religious catechism or formulary which is distinctive of any particular denomination shall or shall not be taught, used, or practised in any school, college, or hostel aided but not provided by the council, and no pupil shall, on the ground of religious belief, be excluded from or placed in an inferior position in any school, college, or hostel provided by the council, and no catechism or formulary distinctive of any particular religious denomination shall be taught in any school, college, or hostel so

provided, except in cases where the council, at the request of parents of scholars, at such times and under such conditions as the council think desirable, allow any religious instruction to be given in the school, college, or hostel, otherwise than at the cost of the council: Provided that in the exercise of this power no unfair preference shall be shown to any religious denomination. *See p.* 101.

(2.) In a school or college receiving a grant from, or maintained by, a council under this Part of this Act,

(a.) A scholar attending as a day or evening scholar shall not be required, as a condition of being admitted into or remaining in the school or college, to attend or abstain from attending any Sunday school, place of religious worship, religious observance, or instruction in religious subjects in the school or college or elsewhere; and *See p.* 102.

(b.) The times for religious worship or for any lesson on a religious subject shall be conveniently arranged for the purpose of allowing the withdrawal of any such scholar therefrom. *See p.* 103.

PART III.—ELEMENTARY EDUCATION.

Powers and duties as to elementary education.

5. The local education authority shall throughout their area have the powers and duties of a school board and school attendance committee under the Elementary Education Acts, 1870 to 1900, and any other Acts, including local Acts, and shall also be responsible for and have the control of all secular instruction in public elementary schools not provided by them, and school boards and school attendance committees shall be abolished. *See pp.* 5, 21.

Management of schools.

6.—(1.) All public elementary schools provided by the local education authority shall, where the local education authority are the council of a county, have a body of managers consisting of a number of managers not exceeding four appointed by that council, together with a number not exceeding two appointed by the minor local authority. *See p.* 78.

Where the local education authority are the council of a borough or urban district they may, if they think fit, appoint for any school provided by them a body of managers consisting of such number of managers as they may determine. *See p.* 78.

(2) All public elementary schools not provided by the local education authority shall, in place of the existing managers, have a body of managers consisting of a number of foundation managers not exceeding four appointed as provided by this Act, together with a number of managers not exceeding two appointed— *See p.* 79.

(a.) where the local education authority are the council of a county, one by that council and one by the minor local authority; and *See p.* 79.

(b.) where the local education authority are the council of a

borough or urban district, both by that authority. *See p.* 79.

(3.) Notwithstanding anything in this section—

(a.) Schools may be grouped under one body of managers in manner provided by this Act; and *See p.* 84.

(b.) Where the local education authority consider that the circumstances of any school require a larger body of managers than that provided under this section, that authority may increase the total number of managers, so, however, that the number of each class of managers is proportionately increased. *See p.* 80.

Maintenance of schools.

7.—(1.) The local education authority shall maintain and keep efficient all public elementary schools within their area which are necessary, and have the control of all expenditure required for that purpose, other than expenditure for which, under this Act, provision is to be made by the managers; but, in the case of a school not provided by them, only so long as the following conditions and provisions are complied with:— *See pp.* 22, 23, 165.

(a.) The managers of the school shall carry out any directions of the local education authority as to the secular instruction to be given in the school, including any directions with respect to the number and educational qualifications of the teachers to be employed for such instruction, and for the dismissal of any teacher on educational grounds, and if the managers fail to carry out any such direction the local education authority shall, in addition to their other powers, have the power themselves to carry out the direction in question as if they were the managers; but no direction given under this provision shall be such as to interfere with reasonable facilities for religious instruction during school hours; *See p.* 88.

(b.) The local education authority shall have power to inspect the school; *See p.* 89.

(c.) The consent of the local education authority shall be required to the appointment of teachers, but that consent shall not be withheld except on educational grounds; and the consent of the authority shall also be required to the dismissal of a teacher unless the dismissal be on grounds connected with the giving of religious instruction in the school; *See p.* 89.

(d.) The managers of the school shall provide the school house free of any charge, except for the teacher's dwelling-house (if any), to the local education authority for use as a public elementary school, and shall, out of funds provided by them, keep the school house in good repair, and make such alterations and improvements in the buildings as may be reasonably required by the local education authority; Provided that such damage as the local authority consider to be

due to fair wear and tear in the use of any room in the school house for the purpose of a public elementary school shall be made good by the local education authority. *See pp.* 90, 91.

(e.) The managers of the school shall, if the local education authority have no suitable accommodation in schools provided by them, allow that authority to use any room in the school house out of school hours free of charge for any educational purpose, but this obligation shall not extend to more than three days in the week. *See p.* 91.

(2.) The managers of a school maintained but not provided by the local education authority, in respect of the use by them of the school furniture out of school hours, and the local education authority in respect of the use by them of any room in the school house out of school hours, shall be liable to make good any damage caused to the furniture or the room, as the case may be, by reason of that use (other than damage arising from fair wear and tear), and the managers shall take care that, after the use of a room in the school house by them, the room is left in a proper condition for school purposes. *See pp.* 91, 92.

(3.) If any question arises under this section between the local education authority and the managers of a school not provided by the authority, that question shall be determined by the Board of Education. *See pp.* 89, 91, 92.

(4.) One of the conditions required to be fulfilled by an elementary school in order to obtain a parliamentary grant shall be that it is maintained under and complies with the provisions of this section. *See pp.* 88, 90, 121.

(5.) In public elementary schools maintained but not provided by the local education authority, assistant teachers and pupil teachers may be appointed, if it is thought fit, without reference to religious creed and denomination, and, in any case in which there are more candidates for the post of pupil teacher than there are places to be filled, the appointment shall be made by the local education authority, and they shall determine the respective qualifications of the candidates by examination or otherwise. *See pp.* 54, 89.

(6.) Religious instruction given in a public elementary school not provided by the local education authority shall, as regards its character, be in accordance with the provisions (if any) of the trust deed relating thereto, and shall be under the control of the managers: Provided that nothing in this sub-section shall affect any provision in a trust deed for reference to the bishop or superior ecclesiastical or other denominational authority so far as such provision gives to the bishop or authority the power of deciding whether the character of the religious instruction is or is not in accordance with the provisions of the trust deed. *See p.* 93.

(7.) The managers of a school maintained but not provided by

the local education authority shall have all powers of management required for the purpose of carrying out this Act, and shall (subject to the powers of the local education authority under this section) have the exclusive power of appointing and dismissing teachers. *See pp.* 88, 89.

Provision of new schools.

8.—(1.) Where the local education authority or any other persons propose to provide a new public elementary school, they shall give public notice of their intention to do so, and the managers of any existing school, or the local education authority (where they are not themselves the persons proposing to provide the school), or any ten ratepayers in the area for which it is proposed to provide the school, may, within three months after the notice is given, appeal to the Board of Education on the ground that the proposed school is not required, or that a school provided by the local education authority, or not so provided, as the case may be, is better suited to meet the wants of the district than the school proposed to be provided, and any school built in contravention of the decision of the Board of Education on such appeal shall be treated as unnecessary. *See p.* 25.

(2.) If, in the opinion of the Board of Education, any enlargement of a public elementary school is such as to amount to the provision of a new school, that enlargement shall be so treated for the purposes of this section. *See p.* 25.

(3.) Any transfer of a public elementary school to or from a local education authority shall for the purposes of this section be treated as the provision of a new school. *See p.* 95.

Necessity of schools.

9. The Board of Education shall, without unnecessary delay, determine, in case of dispute, whether a school is necessary or not, and, in so determining, and also in deciding on any appeal as to the provision of a new school, shall have regard to the interest of secular instruction, to the wishes of parents as to the education of their children, and to the economy of the rates; but a school for the time being recognised as a public elementary school shall not be considered unnecessary in which the number of scholars in average attendance, as computed by the Board of Education, is not less than thirty. *See pp.* 23, 25.

Aid grant. 60 & 61 Vict. 33 & 34 Vict. c. 75. 60 & 61 Vict. c. 16.

10.—(1.) In lieu of the grants under the Voluntary Schools Act, 1897, and under section ninety-seven of the Elementary Education Act, 1870, as amended by the Elementary Education Act, 1897, there shall be annually paid to every local education authority, out of moneys provided by Parliament— *See p.* 134.

(a.) a sum equal to four shillings per scholar; and

(b.) an additional sum of three halfpence per scholar for every complete twopence per scholar by which the amount which would be produced by a penny rate on the area of the authority falls short of ten shillings a scholar; Provided that, in estimating the produce of a penny rate in the area of a

local education authority not being a county borough, the rate shall be calculated upon the county rate basis, which, in cases where part only of a parish is situated in the area of the local education authority, shall be apportioned in such manner as the Board of Education think just. *See p.* 135.

But if in any year the total amount of parliamentary grants payable to a local education authority would make the amount payable out of other sources by that authority on account of their expenses under this Part of this Act less than the amount which would be produced by a rate of threepence in the pound the parliamentary grants shall be decreased, and the amount payable out of other sources shall be increased by a sum equal in each case to half the difference. *See p.* 134.

(2.) For the purposes of this section the number of scholars shall be taken to be the number of scholars in average attendance, as computed by the Board of Education, in public elementary schools maintained by the authority. *See p.* 135.

Foundation managers.

11.—(1.) The foundation managers of a school shall be managers appointed under the provisions of the trust deed of the school, but if it is shown to the satisfaction of the Board of Education that the provisions of the trust deed as to the appointment of managers are in any respect inconsistent with the provisions of this Act, or insufficient or inapplicable for the purpose, or that there is no such trust deed available, the Board of Education shall make an order under this section for the purpose of meeting the case. *See p.* 80.

(2.) Any such order may be made on the application of the existing owners, trustees, or managers of the school, made within a period of three months after the passing of this Act, and after that period on the application of the local education authority or any other person interested in the management of the school, and any such order, where it modifies the trust deed, shall have effect as part of the trust deed, and where there is no trust deed shall have effect as if it were contained in a trust deed. *See pp.* 81, 84.

(3.) Notice of any such application, together with a copy of the draft final order proposed to be made thereon, shall be given by the Board of Education to the local education authority and the existing owners, trustees, and managers, and any other persons who appear to the Board of Education to be interested, and the final order shall not be made until six weeks after notice has been so given. *See p.* 83.

(4.) In making an order under this section with regard to any school, the Board of Education shall have regard to the ownership of the school building, and to the principles on which the education given in the school has been conducted in the past. *See p.* 84.

(5.) The Board of Education may, if they think that the circumstances of the case require it, make any interim order on any

application under this section to have temporary effect until the final order is made. *See p.* 83.

(6.) The body of managers appointed under this Act for a public elementary school not provided by the local education authority shall be the managers of that school both for the purposes of the Elementary Education Acts, 1870 to 1900, and this Act, and, so far as respects the management of the school as a public elementary school, for the purpose of the trust deed. *See p.* 88.

(7.) Where the receipt by a school, or the trustees or managers of a school, of any endowment or other benefit is, at the time of the passing of this Act, dependent on any qualification of the managers, the qualification of the foundation managers only shall, in case of question, be regarded. *See p.* 147.

(8.) The Board of Education may, on the application of the managers of the school, the local education authority, or any person appearing to them to be interested in the school, revoke, vary, or amend any order made under this section by an order made in a similar manner; but before making any such order the draft thereof shall, as soon as may be, be laid before each House of Parliament, and, if within thirty days, being days on which Parliament has sat, after the draft has been so laid before Parliament, either House resolves that the draft, or any part thereof, should not be proceeded with, no further proceedings shall be taken thereon, without prejudice to the making of any new draft order. *See p.* 84.

Grouping of schools under one management

12.—(1.) The local education authority may group under one body of managers any public elementary schools provided by them, and may also, with the consent of the managers of the schools, group under one body of managers any such schools not so provided.

(2.) The body of managers of grouped schools shall consist of such number and be appointed in such manner and proportion as, in the case of schools provided by the local education authority, may be determined by that authority, and in the case of schools not so provided, may be agreed upon between the bodies of managers of the schools concerned and the local education authority, or in default of agreement may be determined by the Board of Education. *See p.* 84.

(3.) Where the local education authority are the council of a county, they shall make provision for the due representation of minor local authorities on the bodies of managers of schools grouped under their direction. *See p.* 85.

(4.) Any arrangement for grouping schools not provided by the local education authority shall, unless previously determined by consent of the parties concerned, remain in force for a period of three years. *See p.* 85.

Endowments.

13.—(1.) Nothing in this Act shall affect any endowment, or

the discretion of any trustees in respect thereof: Provided that, where under the trusts or other provisions affecting any endowment the income thereof must be applied in whole or in part for those purposes of a public elementary school for which provision is to be made by the local education authority, the whole of the income or the part thereof, as the case may be, shall be paid to that authority, and, in case part only of such income must be so applied and there is no provision under the said trusts or provisions for determining the amount which represents that part, that amount shall be determined, in case of difference between the parties concerned, by the Board of Education; but if a public inquiry is demanded by the local education authority, the decision of the Board of Education shall not be given until after such an inquiry, of which ten days' previous notice shall be given to the local education authority and to the minor local authority and to the trustees, shall have been first held by the Board of Education at the cost of the local education authority. *See p.* 145.

(2.) Any money arising from an endowment, and paid to a county council for those purposes of a public elementary school for which provision is to be made by the council, shall be credited by the council in aid of the rate levied for the purposes of this Part of this Act in the parish or parishes which in the opinion of the council are served by the school for the purposes of which the sum is paid, or, if the council so direct, shall be paid to the overseers of the parish or parishes in the proportions directed by the council, and applied by the overseers in aid of the poor rate levied in the parish. *See p.* 146.

Apportionment of school fees.

14. Where before the passing of this Act fees have been charged in any public elementary school not provided by the local education authority, that authority shall, while they continue to allow fees to be charged in respect of that school, pay such proportion of those fees as may be agreed upon, or, in default of agreement, determined by the Board of Education, to the managers. *See p.* 137.

Schools attached to institutions.

15. The local education authority may maintain as a public elementary school under the provisions of this Act, but shall not be required so to maintain, any Marine school, or any school which is part of, or is held in the premises of, any institution in which children are boarded, but their refusal to maintain such a school shall not render the school incapable of receiving a parliamentary grant, nor shall the school, if not so maintained, be subject to the provisions of this Act as to the appointment of managers, or as to control by the local education authority. *See p.* 24.

Power to enforce duties under Elementary Education Acts. 33 & 34 Vict. c. 75.

16. If the local education authority fail to fulfil any of their duties under the Elementary Education Acts, 1870 to 1900, or this Act, or fail to provide such additional public school accommodation within the meaning of the Elementary Education Act, 1870, as is, in the opinion of the Board of Education, necessary in any part

of their area, the Board of Education may, after holding a public inquiry, make such order as they think necessary or proper for the purpose of compelling the authority to fulfil their duty, and any such order may be enforced by mandamus. *See pp.* 24, 75.

PART IV.—GENERAL.

Education committees.

17.—(1.) Any council having powers under this Act shall establish an education committee or education committees, constituted in accordance with a scheme made by the council and approved by the Board of Education: Provided that if a council having powers under Part II. only of this Act determine that an education committee is unnecessary in their case, it shall not be obligatory on them to establish such a committee. *See pp.* 11, 12.

(2.) All matters relating to the exercise by the council of their powers under this Act, except the power of raising a rate or borrowing money, shall stand referred to the education committee, and the council, before exercising any such powers, shall, unless in their opinion the matter is urgent, receive and consider the report of the education committee with respect to the matter in question. The council may also delegate to the education committee, with or without any restrictions or conditions as they think fit, any of their powers under this Act, except the power of raising a rate or borrowing money. *See p.* 18.

(3.) Every such scheme shall provide—

(a.) for the appointment by the council of at least a majority of the committee, and the persons so appointed shall be persons who are members of the council, unless, in the case of a county, the council shall otherwise determine. *See p.* 14.

(b.) for the appointment by the council, on the nomination or recommendation, where it appears desirable, of other bodies (including associations of voluntary schools), of persons of experience in education, and of persons acquainted with the needs of the various kinds of schools in the area for which the council acts; *See pp.* 14, 15.

(c.) for the inclusion of women as well as men among the members of the committee; *See p.* 16.

(d.) for the appointment, if desirable, of members of school boards existing at the time of the passing of this Act as members of the first committee. *See p.* 15.

(4.) Any person shall be disqualified for being a member of an education committee, who, by reason of holding an office or place of profit, or having any share or interest in a contract or employment, is disqualified for being a member of the council appointing the education committee, but no such disqualification shall apply to a person by reason only of his holding office in a school or college aided, provided, or maintained by the council. *See p.* 15.

(5.) Any such scheme may, for all or any purposes of this Act,

provide for the constitution of a separate education committee for any area within a county, or for a joint education committee for any area formed by a combination of counties, boroughs, or urban districts, or of parts thereof. In the case of any such joint committee, it shall suffice that a majority of the members are appointed by the councils of any of the counties, boroughs, or districts out of which or parts of which the area is formed. *See pp.* 11, 17.

(6.) Before approving a scheme, the Board of Education shall take such measures as may appear expedient for the purpose of giving publicity to the provisions of the proposed scheme, and, before approving any scheme which provides for the appointment of more than one education committee, shall satisfy themselves that due regard is paid to the importance of the general co-ordination of all forms of education. *See p.* 12.

(7.) If a scheme under this section has not been made by a council and approved by the Board of Education within twelve months after the passing of this Act, that Board may, subject to the provisions of this Act, make a provisional order for the purposes for which a scheme might have been made. *See pp.* 13, 17.

(8.) Any scheme for establishing an education committee of the council of any county or county borough in Wales or of the county of Monmouth or county borough of Newport shall provide that the county governing body constituted under the Welsh Intermediate Education Act, 1889, for any such county or county borough shall cease to exist, and shall make such provision as appears necessary or expedient for the transfer of the powers, duties, property, and liabilities of any such body to the local education authority under this Act, and for making the provisions of this section applicable to the exercise by the local education authority of the powers so transferred. *See pp.* 2, 16, 109, 159.

52 & 53 Vict. c. 40.

Expenses.

18.—(1.) The expenses of a council under this Act shall, so far as not otherwise provided for, be paid, in the case of the council of a county out of the county fund, and in the case of the council of a borough out of the borough fund or rate, or, if no borough rate is levied, out of a separate rate to be made, assessed, and levied in like manner as the borough rate, and in the case of the council of an urban district other than a borough in manner provided by section thirty-three of the Elementary Education Act, 1876, as respects the expenses mentioned in that section: Provided that— *See pp.* 147, 149, 157, 158, 166.

39 & 40 Vict. c. 79.

(a.) the county council may, if they think fit (after giving reasonable notice to the overseers of the parish or parishes concerned), charge any expenses incurred by them under this Act with respect to education other than elementary on any parish or parishes which, in the opinion of the council, are served by the school or college in connexion with which the expenses have been incurred; and *See p.* 157.

(b.) the county council shall not raise any sum on account of their expenses under Part III. of this Act within any borough or urban district the council of which is the local education authority for the purposes of that Part; and *See p.* 148.

(c.) the county council shall charge such portion as they think fit, not being less than one-half or more than three-fourths, of any expenses incurred by them in respect of capital expenditure or rent on account of the provision or improvement of any public elementary school on the parish or parishes which, in the opinion of the council, are served by the school; and *See p.* 149.

(d.) the county council shall raise such portion as they think fit, not being less than one-half or more than three-fourths, of any expenses incurred to meet the liabilities on account of loans or rent of any school board transferred to them, exclusively within the area which formed the school district in respect of which the liability was incurred, so far as it is within their area. *See p.* 149.

(2.) All receipts in respect of any school maintained by a local education authority, including any parliamentary grant, but excluding sums specially applicable for purposes for which provision is to be made by the managers, shall be paid to that authority. *See p.* 120.

(3.) Separate accounts shall be kept by the council of a borough of their receipts and expenditure under this Act, and those accounts shall be made up and audited in like manner and subject to the same provisions as the accounts of a county council, and the enactments relating to the audit of those accounts and to all matters incidental thereto and consequential thereon, including the penal provisions, shall apply in lieu of the provisions of the Municipal Corporations Act, 1882, relating to accounts and audit. *See p.* 192.

(4.) Where under any local Act the expenses incurred in any borough for the purposes of the Elementary Education Acts, 1870 to 1900, are payable out of some fund or rate other than the borough fund or rate, the expenses of the council of that borough under this Act shall be payable out of that fund or rate instead of out of the borough fund or rate. *See p.* 149. 45 & 46 Vict. c. 50.

(5.) Where any receipts or payments of money under this Act are entrusted by the local education authority to any education committee established under this Act, or to the managers of any public elementary school, the accounts of those receipts and payments shall be accounts of the local education authority, but the auditor of those accounts shall have the same powers with respect to managers as he would have if the managers were officers of the local education authority. *See p.* 87.

Borrowing.

19.—(1.) A council may borrow for the purposes of the Elementary Education Acts, 1870 to 1900, or this Act, in the case of a

51 & 52 Vict. c. 41.

county council as for the purposes of the Local Government Act, 1888, and in the case of the council of a county borough, borough, or urban district as for the purposes of the Public Health Acts, but the money borrowed by a county borough, borough, or urban district council shall be borrowed on the security of the fund or rate out of which the expenses of the council under this Act are payable. *See p.* 169.

(2.) Money borrowed under this Act shall not be reckoned as part of the total debt of a county for the purposes of section sixty-nine of the Local Government Act, 1888, or as part of the debt of a county borough, borough, or urban district for the purpose of the limitation on borrowing under sub-sections two and three of section two hundred and thirty-four of the Public Health Act, 1875. *See p.* 174.

38 & 39 Vict. c. 55.

Arrangements between councils.

20. An authority having powers under this Act—

(a.) may make arrangements with the council of any county, borough, district, or parish, whether a local education authority or not, for the exercise by the council, on such terms and subject to such conditions as may be agreed on, of any powers of the authority in respect of the management of any school or college within the area of the council; and *See pp.* 96—98.

(b.) if the authority is the council of a non-county borough or urban district may, at any time after the passing of this Act, by agreement with the council of the county, and with the approval of the Board of Education, relinquish in favour of the council of the county any of their powers and duties under this Act, and in that case the powers and duties of the authority so relinquished shall cease, and the area of the authority, if the powers and duties relinquished include powers as to elementary education, shall, as respects those powers, be part of the area of the county council. *See pp.* 74, 96, 100, 157.

Provisional orders and schemes.

21.—(1.) Sections two hundred and ninety-seven and two hundred and ninety-eight of the Public Health Act, 1875 (which relate to provisional orders), shall apply to any provisional order made under this Act as if it were made under that Act, but references to a local authority shall be construed as references to the authority to whom the order relates, and references to the Local Government Board shall be construed as references to the Board of Education. *See p.* 13.

38 & 39 Vict. c. 55.

(2.) Any scheme or provisional order under this Act may contain such incidental or consequential provisions as may appear necessary or expedient. *See p.* 17.

(3.) A scheme under this Act when approved shall have effect as if enacted in this Act, and any such scheme, or any provisional order made for the purposes of such a scheme, may be revoked or altered by a scheme made in like manner and having the same effect as an original scheme. *See pp.* 13, 17.

22.—(1.) In this Act and in the Elementary Education Acts the expression "elementary school" shall not include any school carried on as an evening school under the regulations of the Board of Education. *See p.* 22. Provision as to elementary and higher education powers respectively.

(2.) The power to provide instruction under the Elementary Education Acts, 1870 to 1900, shall, except where those Acts expressly provide to the contrary, be limited to the provision in a public elementary school of instruction given under the regulations of the Board of Education to scholars who, at the close of the school year, will not be more than sixteen years of age: Provided that the local education authority may, with the consent of the Board of Education, extend those limits in the case of any such school if no suitable higher education is available within a reasonable distance of the school. *See pp.* 1, 20, 100.

(3.) The power to supply or aid the supply of education other than elementary includes a power to train teachers, and to supply or aid the supply of any education except where that education is given at a public elementary school. *See p.* 100.

23.—(1.) The powers of a council under this Act shall include the provision of vehicles or the payment of reasonable travelling expenses for teachers or children attending school or college whenever the council shall consider such provision or payment required by the circumstances of their area or any part thereof. *See p.* 28. Miscellaneous provisions.

(2.) The power of a council to supply or aid the supply of education, other than elementary, shall include power to make provision for the purpose outside their area in cases where they consider it expedient to do so in the interests of their area, and shall include power to provide or assist in providing scholarships for, and to pay or assist in paying the fees of, students ordinarily resident in the area of the council at schools or colleges or hostels within or without that area. *See p.* 100.

(3.) The county councillors elected for an electoral division consisting wholly of a borough or urban district whose council are a local education authority for the purpose of Part III. of this Act, or of some part of such a borough or district, shall not vote in respect of any question arising before the county council which relates only to matters under Part III. of this Act. *See p.* 3.

(4.) The amount which would be produced by any rate in the pound shall be estimated for the purposes of this Act in accordance with the regulations made by the Local Government Board. *See p.* 135.

(5.) The Mortmain and Charitable Uses Act, 1888, and so much of the Mortmain and Charitable Uses Act, 1891, as requires that land assured by will shall be sold within one year from the death of the testator, shall not apply to any assurance, within the meaning 51 & 52 Vict. c. 42. 54 & 55 Vict. c. 73.

of the said Act of 1888, of land for the purpose of a school house for an elementary school. *See p.* 28.

(6.) A woman is not disqualified, either by sex or marriage, for being on any body of managers or education committee under this Act. *See pp.* 16, 78.

(7.) Teachers in a school maintained but not provided by the local education authority shall be in the same position as respects disqualification for office as members of the authority as teachers in a school provided by the authority. *See pp.* 3, 4.

(8.) Population for the purposes of this Act shall be calculated according to the census of nineteen hundred and one. *See p.* 4.

(9.) Sub-sections one and five of section eighty-seven of the Local Government Act, 1888 (which relate to local inquiries), shall apply with respect to any order, consent, sanction, or approval which the Local Government Board are authorised to make or give under this Act. *See p.* 168.

51 & 52 Vict. c. 41.

(10.) The Board of Education may, if they think fit, hold a public inquiry for the purpose of the exercise of any of their powers or the performance of any of their duties under this Act, and section seventy-three of the Elementary Education Act, 1870, shall apply to any public inquiry so held or held under any other provision of this Act. *See pp.* 12, 25, 75.

33 & 34 Vict. c. 75.

Interpretation.

24.—(1.) Unless the context otherwise requires, any expression to which a special meaning is attached in the Elementary Education Acts, 1870 to 1900, shall have the same meaning in this Act.

(2.) In this Act the expression "minor local authority" means, as respects any school, the council of any borough or urban district, or the parish council or (where there is no parish council) the parish meeting of any parish which appears to the county council to be served by the school. Where the school appears to the county council to serve the area of more than one minor local authority the county council shall make such provision as they think proper for joint appointment of managers by the authorities concerned. *See p.* 79.

(3.) In this Act the expression "powers," "duties," "property," and "liabilities" shall, unless the context otherwise requires, have the same meanings as in the Local Government Act, 1888. *See pp.* 6, 75, 109.

51 & 52 Vict. c. 41.

(4.) In this Act the expression "college" includes any educational institution, whether residential or not. *See pp.* 98, 157.

(5.) In this Act, unless the context otherwise requires, the expression "trust deed" includes any instrument regulating the trusts or management of a school or college.

Provisions as to proceedings, transfer, &c., application of enactments and repeal.

25.—(1.) The provisions set out in the First and Second Schedules to this Act relating to education committees and managers, and to the transfer of property and officers, and adjustment, shall have effect for the purpose of carrying the provisions of this Act into effect.

(2.) In the application of the Elementary Education Acts, 1870 to 1900, and other provisions referred to in that schedule, the modifications specified in the Third Schedule to this Act shall have effect.

(3.) The enactments mentioned in the Fourth Schedule to this Act shall be repealed to the extent specified in the third column of that schedule.

Application of Act to Scilly Islands.

26. For the purposes of this Act the Council of the Isles of Scilly shall be the local education authority for the Scilly Islands, and the expenses of the council under this Act shall be general expenses of the Council. *See pp.* 1, 2.

Extent, commencement, and short title.

27.—(1.) This Act shall not extend to Scotland or Ireland, or, except as expressly provided, to London.

(2.) This Act shall, except as expressly provided, come into operation on the appointed day, and the appointed day shall be the twenty-sixth day of March nineteen hundred and three, or such other day, not being more than eighteen months later, as the Board of Education may appoint, and different days may be appointed for different purposes and for different provisions of this Act, and for different councils. *See pp.* 5, 9.

1 Edw. 7, c. 11. 2 Edw. 7, c. 19.

(3.) The period during which local authorities may, under the Education Act, 1901, as renewed by the Education Act, 1901 (Renewal) Act, 1902, empower school boards to carry on the work of the schools and classes to which those Acts relate shall be extended to the appointed day, and in the case of London to the twenty-sixth day of March nineteen hundred and four. *See p.* 103.

(4.) This Act may be cited as the Education Act, 1902, and the Elementary Education Acts, 1870 to 1900, and this Act may be cited as the Education Acts, 1870 to 1902.

SCHEDULES.

FIRST SCHEDULE.

Section 25.

PROVISION AS TO EDUCATION COMMITTEES AND MANAGERS.

A.—*Education Committees.*

(1.) The council by whom an education committee is established may make regulations as to the quorum, proceedings, and place of meeting of that committee, but, subject to any such regulations, the quorum, proceedings, and place of meeting of the committee shall be such as the committee determine. *See p.* 18.

(2.) The chairman of the education committee at any meeting of the committee shall, in case of an equal division of votes, have a second or casting vote. *See p.* 19.

(3.) The proceedings of an education committee shall not be invalidated by any vacancy among its members or by any defect in the election, appointment, or qualification of any members thereof. *See p.* 19.

(4.) Minutes of the proceedings of an education committee shall be kept in a book provided for that purpose, and a minute of those proceedings, signed at the same or next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting of the committee at which the minute is signed, shall be received in evidence without further proof. *See p.* 19.

(5.) Until the contrary is proved, an education committee shall be deemed to have been duly constituted and to have power to deal with any matters referred to in its minutes. *See p.* 19.

(6.) An education committee may, subject to any directions of the council, appoint such and so many sub-committees, consisting either wholly or partly of members of the committee, as the committee thinks fit. *See p.* 19.

B.—*Managers.*

(1.) A body of managers may choose their chairman, except in cases where there is an ex-officio chairman, and regulate their quorum and proceedings in such manner as they think fit, subject, in the case of the managers of a school provided by the local education authority, to any directions of that authority.

Provided that the quorum shall not be less than three, or one-third of the whole number of managers, whichever is the greater.

(2.) Every question at a meeting of a body of managers shall be determined by a majority of the votes of the managers present and voting on the question, and in case of an equal division of votes the chairman of the meeting shall have a second or casting vote.

(3.) The proceedings of a body of managers shall not be invalidated by any vacancy in their number, or by any defect in the election, appointment, or qualification of any manager.

(4.) The body of managers of a school provided by the local education authority shall deal with such matters relating to the management of the school, and subject to such conditions and restrictions, as the local education authority determine. *See p.* 85.

(5.) A manager of a school not provided by the local education authority, appointed by that authority or by the minor local authority, shall be removable by the authority by whom he is appointed, and any such manager may resign his office. *See p.* 79.

(6.) The body of managers shall hold a meeting at least once in every three months.

(7.) Any two managers may convene a meeting of the body of managers.

(8.) The minutes of the proceedings of every body of managers shall be kept in a book provided for that purpose.

(9.) A minute of the proceedings of a body of managers, signed at the same or the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

(10.) The minutes of a body of managers shall be open to inspection by the local education authority.

(11.) Until the contrary is proved, a body of managers shall be deemed to be duly constituted and to have power to deal with the matters referred to in their minutes. *See p.* 95.

SECOND SCHEDULE.

Section 25.

PROVISIONS AS TO TRANSFER OF PROPERTY AND OFFICERS, AND ADJUSTMENT.

(1.) The property, powers, rights, and liabilities (including any property, powers, rights, and liabilities vested, conferred, or arising under any local Act or any trust deed) of any school board or school attendance committee existing at the appointed day shall be transferred to the council exercising the powers of a school board. *See pp.* 5, 36, 58.

(2.) Where, under the provisions of this Act, any council relinquishes its powers and duties in favour of a county council, any property or rights acquired and any liabilities incurred, for the purpose of the performance of the powers and duties relinquished, including any property or rights vested or arising, or any liabilities incurred, under any local Act or trust deed, shall be transferred to the county council. *See pp.* 58, 74.

(3.) Any loans transferred to a council under this Act shall, for the purpose of the limitation on the powers of the council to borrow, be treated as money borrowed under this Act. *See p.* 174.

(4.) Any liability of an urban district council incurred under the Technical Instruction Acts, 1889 and 1891, and charged on any fund or rate, shall, by virtue of this Act, become charged on the fund or rate out of which the expenses of the council under this Act are payable, instead of on the first-mentioned fund or rate. *See p.* 159.

52 & 53 Vict. c. 76.
54 & 5 Vict. c. 4.

(5.) Section two of this Act shall apply to any balance of the residue under section one of the Local Taxation (Customs and Excise) Act, 1890, remaining unexpended and unappropriated by any council at the appointed day. *See pp.* 156, 158.

53 & 54 Vict. c. 60.

(6.) Where the liabilities of a school board transferred to the local education authority under this Act comprise a liability on account of money advanced by that authority to the school board, the Local Government Board may make such orders as they think

fit for providing for the repayment of any debts incurred by the authority for the purposes of those advances within a period fixed by the order, and, in case the money advanced to the school board has been money standing to the credit of any sinking fund or redemption fund or capital money applied under the Local Government Acts, 1888 and 1894, or either of them, for the repayment to the proper fund or account of the amount so advanced. *See p.* 184.

51 & 52 Vict c. 41.
56 & 57 Vict c. 73.

Any order of the Local Government Board made under this provision shall have effect as if enacted in this Act. *See p.* 185.

(7.) Where a district council ceases by reason of this Act to be a school authority within the meaning of the Elementary Education (Blind and Deaf Children) Act, 1893, or the Elementary Education (Defective and Epileptic Children) Act, 1899, any property or rights acquired and any liabilities incurred under those Acts shall be transferred to the county council, and, notwithstanding anything in this Act, the county council may raise any expenses incurred by them to meet any liability of a school authority under those Acts (whether a district council or not), and transferred to the county council, off the whole of their area, or off any parish or parishes which in the opinion of the council are served by the school in respect of which the liability has been incurred. *See pp.* 29, 31.

56 & 57 Vict c. 42.
62 & 63 Vict c. 32.

56 & 57 Vict. c. 73.

(8.) Sections eighty-five to eighty-eight of the Local Government Act, 1894 (which contain transitory provisions), shall apply with respect to any transfer mentioned in this schedule, subject as follows:— *See pp.* 6, 17, 75.

(a.) References to "the appointed day" and to "the passing of this Act" shall be construed, as respects a case of relinquishment of powers and duties, as references to the date on which the relinquishment takes effect; and *See pp.* 7, 58.

(b.) the powers and duties of a school board or school attendance committee which is abolished, or a council which ceases under the provisions of this Act to exercise powers and duties, shall be deemed to be powers and duties transferred under this Act; and *See p.* 8.

(c.) sub-sections four and five of section eighty-five shall not apply. *See p.* 7.

(9.) The disqualification of any persons who are, at the time of the passing of this Act, members of any council, and who will become disqualified for office in consequence of this Act, shall not, if the council so resolve, take effect until a day fixed by the resolution, not being later than the next ordinary day of retirement of councillors in the case of a county council, the next ordinary day of election of councillors in the case of the council of a borough, and the fifteenth day of April in the year nineteen hundred and four in the case of an urban district council. *See p.* 3.

(10.) No election of members of a school board shall be held after the passing of this Act, and the term of office of members of any

school board holding office at the passing of this Act, or appointed to fill casual vacancies after that date, shall continue to the appointed day, and the Board of Education may make orders with respect to any matter which it appears to them necessary or expedient to deal with for the purpose of carrying this provision into effect, and any order so made shall operate as if enacted in this Act. *See p.* 9.

(11.) Where required for the purpose of bringing the accounts of a school to a close before the end of a financial year of the school, or for the purpose of meeting any change consequent on this Act, the Board of Education may calculate any parliamentary grant in respect of any month or other period less than a year, and may pay any parliamentary grant which has accrued before the appointed day at such times and in such manner as they think fit. *See pp.* 123, 134.

(12.) Any parliamentary grant payable to a public elementary school not provided by a school board in respect of a period before the appointed day shall be paid to the persons who were managers of the school immediately before that day, and shall be applied by them in payment of the outstanding liabilities on account of the school, and so far as not required for that purpose shall be paid to the persons who are managers of the school for the purposes of this Act and shall be applied by them for the purposes for which provision is to be made under this Act by those managers, or for the benefit of any general fund applicable for those purposes; Provided that the Board of Education may, if they think fit, pay any share of the aid grant under the Voluntary Schools Act, 1897, allotted to an association of voluntary schools, to the governing body of that association, if such governing body satisfy the Board of Education that proper arrangements have been made for the application of any sum so paid. *See pp.* 123, 134. 60 & 61 Vict. c. 5.

(13.) Any school which has been provided by a school board or is deemed to have been so provided shall be treated for the purposes of the Elementary Education Acts, 1870 to 1900, and this Act, as a school which has been provided by the local education authority, or which is deemed to have been so provided, as the case may be. *See pp.* 22, 23.

(14.) The local education authority shall be entitled to use for the purposes of the school any school furniture and apparatus belonging to the trustees or managers of any public elementary school not provided by a school board, and in use for the purposes of the school before the appointed day. *See p.* 90.

(15.) During the period between the passing of this Act and the appointed day, the managers of any public elementary school, whether provided by a school board or not, and any school attendance committee, shall furnish to the council, which will on the appointed day become the local education authority, such information as that council may reasonably require. *See p.* 5.

(16.) The officers of any authority whose property, rights, and liabilities are transferred under this Act to any council shall be transferred to and become the officers of that council, but that council may abolish the office of any such officer whose office they deem unnecessary. *See p.* 58.

(17.) Every officer so transferred shall hold his office by the same tenure and on the same terms and conditions as before the transfer, and while performing the same duties shall receive not less salary or remuneration than theretofore, but if any such officer is required to perform duties which are not analogous to or which are an unreasonable addition to those which he is required to perform at the date of the transfer, he may relinquish his office, and any officer who so relinquishes his office, or whose office is abolished, shall be entitled to compensation under this Act. *See p.* 57.

(18.) A council may, if they think fit, take into account continuous service under any school boards or school attendance committees in order to calculate the total period of service of any officer entitled to compensation under this Act. *See p.* 60.

59 & 60 Vict. c. 50.

(19.) If an officer of any authority to which the Poor Law Officers' Superannuation Act, 1896, applies is under this Act transferred to any council, and has made the annual contributions required to be made under that Act, the provisions of that Act shall apply, subject to such modifications as the Local Government Board may by order direct for the purpose of making that Act applicable to the case. *See p.* 61.

(20.) Any local education authority who have established any pension scheme, or scheme for the superannuation of their officers, may admit to the benefits of that scheme any officers transferred under this Act on such terms and conditions as they think fit. *See p.* 61.

51 & 52 Vict. c. 41.

(21.) Section one hundred and twenty of the Local Government Act, 1888, which relates to compensation to existing officers, shall apply as respects officers transferred under this Act, and also (with the necessary modifications) to any other officers who, by virtue of this Act or anything done in pursuance or in consequence of this Act, suffer direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, in like manner as it applies to officers transferred under this Act, subject as follows:— *See p.* 58.

(a.) any reference in that section to the county council shall include a reference to a borough or urban district council; and

(b.) references in that section to "the passing of this Act" shall be construed, as respects a case of relinquishment of powers and duties, as references to the date on which the relinquishment takes effect; and

(c.) any reference to powers transferred shall be construed as a reference to property transferred; and

(d.) any expenses shall be paid out of the fund or rate out of

which the expenses of a council under this Act are paid, and, if any compensation is payable otherwise than by way of an annual sum, the payment of that compensation shall be a purpose for which a council may borrow for the purposes of this Act. *See p.* 61.

(22.) Section sixty-eight of the Local Government Act, 1894 (which relates to the adjustment of property and liabilities), shall apply with respect to any adjustment required for the purposes of this Act. *See pp.* 62, 124. 56 & 57 Vict. c. 73.

THIRD SCHEDULE. Section 25.

MODIFICATION OF ACTS, &c.

(1.) References to school boards and school districts shall be construed as references to local education authorities and the areas for which they act, except as respects transactions before the appointed day, and except that in paragraph (2) of section nineteen of the Elementary Education Act, 1876, and in sub-section (1) of section two of the Education Code (1890) Act, 1890, references to a school district shall, as respects the area of a local education authority being the council of a county, be construed as references to a parish. *See p.* 122. 39 & 40 Vict. c. 79. 53 & 54 Vict. c. 22.

(2.) References to the school fund or local rate shall be construed as references to the fund or rate out of which the expenses of the local education authority are payable. *See pp.* 166, 167.

(3.) In section thirty-eight of the Elementary Education Act, 1876, references to members of a school board shall be construed as references to members of the education committee, or of any sub-committee appointed by that committee for school attendance purposes. *See p.* 49.

(4.) The power of making byelaws shall (where the local education authority is a county council) include a power of making different byelaws for different parts of the area of the authority. *See p.* 36.

(5.) The following provision shall have effect in lieu of section five of the Elementary Education Act, 1891: 54 & 55 Vict. c. 56.

"The duty of a local education authority under the Education Acts, 1870 to 1902, to provide a sufficient amount of public school accommodation shall include the duty to provide a sufficient amount of public school accommodation without payment of fees in every part of their area." *See p.* 24.

(6.) The words "in the opinion of the Board of Education" shall be substituted for the words "in their opinion" in the first paragraph of section eighteen of the Elementary Education Act, 1870. *See p.* 24. 33 & 34 Vict. c. 75.

(7.) Section ninety-nine of the Elementary Education Act, 1870, shall apply to the fulfilment of any conditions, the performance of

any duties, and the exercise of any powers under this Act, as it applies to the fulfilment of conditions required in pursuance of that Act to be fulfilled in order to obtain a parliamentary grant.

36 & 37 Vict. c. 86.

(8.) A reference to the provisions of this Act as to borrowing shall be substituted in section fifteen of the Elementary Education Act, 1876, for the reference to section ten of the Elementary Education Act, 1873, and a reference to the Local Government Board shall be substituted for the second reference in that section to the Education Department, and also for the reference to the Education Department in section five of the Elementary Education (Blind and Deaf Children) Act, 1893. *See pp.* 168, 169.

56 & 57 Vict. c. 42.

(9.) A reference to the provisions of this Act relating to the enforcement of the performance of the local education authority's duties by mandamus shall be substituted in section two of the Elementary Education Act, 1880, for the reference to section twenty-seven of the Elementary Education Act, 1876. *See p.* 35.

43 & 44 Vict. c. 23.

39 & 40 Vict. c. 79.

(10.) The substitutions for school boards, school districts, school fund, and local rate made by this schedule shall, unless the context otherwise requires, be made in any enactment referring to or applying the Elementary Education Acts, 1870 to 1900, or any of them, so far as the reference or application extends.

(11.) References in any enactment or in any provision of a scheme made under the Charitable Trusts Acts, 1853 to 1894, or the Endowed Schools Acts, 1869 to 1889, or the Elementary Education Acts, 1870 to 1900, to any provisions of the Technical Instruction Acts, 1889 and 1891, or either of those Acts shall, unless the context otherwise requires, be construed as references to the provisions of Part II. of this Act, and the provisions of this Act shall apply with respect to any school, college, or hostel established, and to any obligation incurred, under the Technical Instruction Acts, 1889 and 1891, as if the school, college, or hostel had been established or the obligation incurred under Part II. of this Act. *See p.* 161.

52 & 53 Vict. c. 76.

54 & 55 Vict. c. 4.

(12.) The Local Government Board may, after consultation with the Board of Education, by order make such adaptations in the provisions of any local Act (including any Act to confirm a Provisional Order and any scheme under the Municipal Corporations Act, 1882, as amended by any subsequent Act) as may seem to them to be necessary to make those provisions conform with the provisions of this Act, and may also in like manner, on the application of any council who have power as to education under this Act and have also powers as to education under any local Act, make such modifications in the local Act as will enable the powers under that Act to be exercised as if they were powers under this Act.

45 & 46 Vict. c. 50.

Any order made under this provision shall operate as if enacted in this Act.

FOURTH SCHEDULE. Section 25.

ENACTMENTS REPEALED.

PART I.

Session and Chapter.	Short Title.	Extent of Repeal.
52 & 53 Vict. c. 76.	The Technical Instruction Act, 1889.	The whole Act. *See p.* 101.
53 & 54 Vict. c. 60.	The Local Taxation (Customs and Excise) Act, 1890.	In section one, sub-sections two and three.
54 & 55 Vict. c. 4.	The Technical Instruction Act, 1891.	The whole Act. *See p.* 101.

PART II.

Session and Chapter.	Short Title.	Extent of Repeal.
33 & 34 Vict. c. 75.	The Elementary Education Act, 1870.	Section four; section five except so far as it defines public school accommodation; section six; sections eight to thirteen; sections fifteen and sixteen; section eighteen from "If at any time" to the end of the section; in section nineteen the words "whether in obedience to any requisition or not"; sections twenty-nine to thirty-four; in section thirty-five the words "a clerk and a treasurer and other" and the words from "but no such appointment" to "member of the board"; sections forty to forty-eight; sections forty-nine to fifty-one; in section fifty-two the words "under the provisions of this Act with respect to the appointment of a body of managers"; sections fifty-three to fifty-six; sections sixty to sixty-six; in section sixty-nine the words "in the metropolis" and

Session and Chapter.	Short Title.	Extent of Repeal.
33 & 34 Vict. c. 75—*contd.*	The Elementary Education Act, 1870—*contd.*	the words from "appointed under this Act" to "returns under this Act"; in section seventy-three the words "of the school district," the words from "(if any) or if" to "inquiry relates," and the words "or if there is no school board as a debt due from the rating authority"; sections seventy-seven and seventy-nine; sections eighty-seven, eighty-eight, and ninety; section ninety-three; the first proviso of section ninety-seven; the First Schedule; the Second Schedule, except the Third Part; the Third Schedule.
36 & 37 Vict c. 86.	The Elementary Education Act, 1873.	Sections five to twelve; sections seventeen and eighteen; sections twenty-one and twenty-six; the First Schedule; the Second Schedule; the Third Schedule.
37 & 38 Vict. c. 90.	The Elementary Education (Orders) Act, 1874.	The whole Act.
39 & 40 Vict. c. 79.	The Elementary Education Act, 1876.	Section seven, from "and (2) in every" to "appointing the committee" and the words "and school attendance committee"; in section fifteen the words "not exceeding fifty"; section twenty-one; section twenty-three to "or pay any fees"; section twenty-seven; in section twenty-eight the words "but subject in the case of a school attendance committee to the approval herein-after mentioned" and the words "or the officers of the council or guardians by whom the committee are appointed"; sections thirty, thirty-one, thirty-two, thirty-three (except as applied by this Act), and thirty-four; section thirty-six; in section thirty-seven the words "or local

Session and Chapter.	Short Title.	Extent of Repeal.
39 & 40 Vict. c. 79—*contd.*	The Elementary Education Act, 1876—*contd.*	authority"; in section thirty-eight the words "or local authority" and "or school attendance committee"; sections forty-one, forty-two, forty-three, and forty-four; section forty-nine; the Second Schedule; the Third Schedule.
43 & 44 Vict. c. 23.	The Elementary Education Act, 1880.	Section three.
53 & 54 Vict. c. 22.	The Education Code (1890) Act, 1890.	Section one.
54 & 55 Vict. c. 56.	The Elementary Education Act, 1891.	Sections five, six, and seven.
56 & 57 Vict. c. 42.	The Elementary Education (Blind and Deaf Children) Act, 1893.	Section four from "(b) for an area" to the end of the section. Sub-sections (3) and (4) of section five. Section six.
59 & 60 Vict. c. 16.	The Agricultural Rates Act, 1896.	In section seven the words "a school board for a school district which is a parish or," and sub-section (3).
60 & 61 Vict. c. 5.	The Voluntary Schools Act, 1897.	Section one.
60 & 61 Vict. c. 16.	The Elementary Education Act, 1897.	The whole Act.
62 & 63 Vict. c. 32.	The Elementary Education (Defective and Epileptic Children) Act, 1899.	In section six the proviso.
63 & 64 Vict. c. 53.	The Elementary Education Act, 1900.	Section three.

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WELSH INTERMEDIATE EDUCATION ACT, 1889.

52 & 53 VICT. c. 40.

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An Act to promote Intermediate Education in Wales.

[*12th August*, 1889.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

Short title and construction.

1. This Act may be cited for all purposes as the Welsh Intermediate Education Act, 1889, and shall, so far as is consistent with the tenour thereof, be construed as one with the Endowed Schools Acts, and may be cited together with those Acts as the Endowed Schools Acts, 1869 to 1889. This Act shall come into operation on the first day of November next after the passing thereof, which day is in this Act referred to as the commencement of this Act. *See p.* 161.

Purpose of Act.

2. The purpose of this Act is to make further provision for the intermediate and technical education of the inhabitants of Wales and the county of Monmouth.

Schemes for Intermediate Education.

Schemes by joint education committee.

3.—(1.) It shall be the duty of the joint education committee as herein-after mentioned of every county in Wales and of the county of Monmouth to submit to the Charity Commissioners (*a*) a scheme or schemes for the intermediate and technical education of the inhabitants of their county, either alone or in conjunction with the inhabitants of any adjoining county or counties, specifying in each scheme the educational endowments within their county which in their opinion ought to be used for the purpose of such scheme. *See p.* 160.

(2.) A county council may recommend their committee to insert in such scheme a provision for a payment out of the county rate to an amount not exceeding that in this Act mentioned of the expenses of carrying into effect the scheme, or any particular part thereof, and such provision may accordingly, if it is thought fit, be inserted in the scheme.

32 & 33 Vict. c. 56.

(3.) Such scheme, if the Commissioners (*a*) (after such examination or inquiry as mentioned in section thirty-two of the Endowed Schools Act, 1869) approve it (*b*), either without modification, or with such modifications as may be assented to by the joint education committee, shall be adopted and proceeded on by the Commissioners (*a*) in the same manner as if it were a draft scheme originally prepared by themselves.

(4.) If the scheme is not so adopted by the Commissioners (*a*), it shall be deemed to be a scheme prepared and submitted by a governing body to the Commissioners (*a*) within the meaning of section thirty-two of the Endowed Schools Act, 1869, and shall be dealt with accordingly.

(*a*) Now Board of Education : Board of Education Act, 1899, sect. 2 (2), p. 334 ; Orders in Council, 7th Aug., 1900, p. 452 ; 24th July, 1901, p. 455.

(*b*) See paragraph (3) and Schedule of last Order in Council, *supra*.

(5.) Where a county council recommend a payment out of the county rate a scheme may be made in pursuance of this Act, although there is no other endowment.

(6.) The Charity Commissioners (*a*) may, if they think fit, accept a joint scheme from two or more joint education committees.

(7.) A joint education committee may, instead of submitting a scheme, submit to the Charity Commissioners (*a*) proposals for a scheme, and such proposals may include, if so recommended by the county council, a payment out of the county rate; and the Commissioners (*a*) shall prepare a scheme for carrying into effect such proposals, either with or without modifications, but any modification to which the joint education committee do not assent shall be struck out of the scheme, and the scheme as so prepared, with the omission of any modification to which the joint education committee do not assent, shall be deemed for the purposes of this section to be a scheme submitted by a joint education committee to the Charity Commissioners (*a*), and the Commissioners (*a*) shall proceed accordingly.

Restrictions on powers of joint education committee.

4.—(1.) A joint education committee shall not without the assent of the county council direct by their scheme any contribution to be made out of the county rate exceeding the amount recommended by the county council.

(2.) Where any part of the expenses of the establishment or maintenance of a school or of scholarships attached thereto is to be defrayed out of the county rate a scheme relating to such school shall provide that the county council shall be adequately represented on the governing body of such school.

(3.) Where a scheme under this Act does not relate to a school maintained out of the endowment, or forming part of the foundation, of any cathedral or collegiate church, or where a scheme under this Act does not relate to any other educational endowment which by section nineteen of the Endowed Schools Act, 1869, is excepted from the foregoing provisions of that Act therein mentioned, such scheme shall, in addition to the provisions of section fifteen of the said Act, provide that no religious catechism or religious formulary which is distinctive of any particular denomination shall be taught to a scholar attending as a day scholar at the school established or regulated by the scheme, and that the times for prayer or religious worship or for any lesson or series of lessons on a religious subject shall be conveniently arranged for the purpose of allowing the withdrawal of a day scholar therefrom in accordance with the said section fifteen.

(4.) Where any power of appeal to the Queen in Council, or power to present a petition praying that a scheme may be laid

(*a*) Now Board of Education: Board of Education Act, 1899, sect. 2 (2), p. 334; Orders in Council, 7th Aug., 1900, p. 452; 24th July, 1901, pp. 455.

before Parliament, is given by the Endowed Schools Acts to any persons or body of persons in relation to any endowment, a like power may be exercised by a county council required by the scheme to contribute a sum out of the county rate, or by a joint education committee in relation to any matter which has been introduced into the scheme against the wishes of the county council or committee, as the case may be, as expressed in objections sent in writing to the Charity Commissioners (*a*) before the scheme was submitted by those Commissioners (*a*) for the approval of the Education Department (*b*).

Constitution and Powers of Joint Education Committee.

Establishment of joint education committee.

5. For the purposes of this Act there shall be appointed in every county in Wales and in the county of Monmouth a joint education committee of the county council of such county consisting of three persons nominated by the county council, and two persons, being persons well acquainted with the conditions of Wales and the wants of the people, preference being given to residents within the county for which such joint committee is to be appointed, nominated by the Lord President of Her Majesty's Privy Council. Any vacancy in the joint education committee among the persons appointed by the county council may be filled up by the county council, and any vacancy among the persons nominated by the Lord President may be filled up by the Lord President.

Transaction of business by and proceedings of joint education committee.

6.—(1.) Sub-sections one and two of section eighty-two of the Local Government Act, 1888 (*c*), respecting the proceedings of committees of county councils, shall apply to proceedings of the joint education committee of a county council under this Act, but the acts and proceedings of the committee shall not be required to be submitted to the county council for their approval.

(*a*) Now Board of Education: Board of Education Act, 1899, sect. 2 (2), p. 334: Orders in Council, 7th Aug., 1900, p. 452; 24th July, 1901, p. 455.

(*b*) Now Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*c*) The sub-sections are as follows:

82.—(1.) A county council appointing under this Act any committee may from time to time make, vary, and revoke regulations respecting the quorum and proceedings of such committee, and as to the area (if any) within which it is to exercise its authority; and subject to such regulations the proceedings and quorum and the place of meeting whether within or without the county, shall be such as the committee may from time to time direct, and the chairman at any meeting of the committee shall have a second or casting vote.

(2.) Every committee shall report its proceedings to the council by whom it was appointed, [*but to the extent to which the council so direct, the acts and proceedings of the committee shall not be required by the provisions of the Municipal Corporations Act*, 1882, *to be submitted to the council for their approval.*[1]]

[1] The words in italics are not to apply, *vide supra.*

(2.) The county council shall make proper provision for enabling the committee to transact its business, and the clerk of the county council shall act as the clerk of the joint education committee. Any act of the committee may be signified under the hands of any three members thereof or under the hand of the clerk.

(3.) Any of the assistant commissioners of the Charity Commissioners (*a*) shall be at liberty to attend any meeting of a joint education committee, and to take part in the proceedings, but shall not have a right to vote.

Contributions from county rate

7.—(1.) Where a county council has recommended that any scholarship should be paid out of the county rate a scheme under this Act may contain provisions to that effect.

(2.) Where a county council has recommended that any annual contribution should be made out of the county rate a scheme under this Act may direct the contribution so recommended or any less contribution to be made accordingly, and shall specify the persons to whom the contribution so directed to be made is from time to time to be paid.

(3.) The recommendation of a county council in respect of a contribution out of the county rate, and a scheme giving effect to such recommendation, may provide that such contribution shall be either a fixed annual sum, or an annual sum not exceeding a certain amount, such amount to be determined annually in manner specified in the scheme.

(4.) The annual contribution to be paid to any school out of the county rate in pursuance of any scheme shall not exceed the amount stated in such scheme, but may be reduced by an amending scheme made on the application of the county council or of the governing body of such school.

Finance (*b*).

Expenses of county council.

8.—(1.) Where a scheme under this Act providing for a contribution out of a county rate comes into operation, the amount from time to time payable out of the county rate in pursuance of such scheme shall be paid by the county council out of the county fund.

(2.) That amount and any expenses otherwise incurred by a county council in pursuance of this Act shall be paid as general expenses of the county council.

(*a*) Now to be read as a reference to the inspectors or other officers of the Board of Education; and see Order in Council, 24th July, 1901, 1 (1), (3), p. 455.

(*b*) See also the Local Taxation (Customs and Excise) Act, 1890 (53 & 54 Vict. c. 61), sect. 1 (4) of which provides for the contribution by the county council of any county to which the Welsh Intermediate Education Act applies of any sum received by them in respect of the residues of the English share of the local taxation (customs and excise) duties towards intermediate and technical education under the Welsh Act; see p. 304.

(3.) The addition made to the county rate in any county for the purpose of defraying contributions for intermediate and technical education under this Act shall not in any year exceed one halfpenny in the pound, on the aggregate amount of the rateable value of the property in the county, as ascertained for the purpose of the levy of the county contributions. *See p.* 159.

(4.) Every increase of rate levied under this section shall, in all precepts for the levy thereof, be described as a separate item of rate, and when collected from the individual ratepayers shall be specified as a separate item of rate.

Contribution from Treasury.

9.—(1.) The Commissioners of Her Majesty's Treasury shall annually out of moneys provided by Parliament pay in aid of each school aided by the county and subject to a scheme made under this Act such sums as herein-after mentioned.

(2.) The sums to be so paid shall depend on the efficiency of the schools aided by the county, as ascertained by such annual inspection and report as may be required by the regulations from time to time made by the Treasury for the purposes of this section, and shall be of such amounts as may be fixed by those regulations, and shall be paid in manner provided by those regulations.

(3.) The aggregate amount of the sums paid by the Commissioners of Her Majesty's Treasury in any year in respect of the schools in any county shall not exceed the amount payable in that year in pursuance of this Act out of the county rate.

(4.) The Treasury may from time to time make, and, when made, vary and revoke, regulations for the purposes of this section. *See p.* 160.

Power to Public Works Loan Commissioners to lend.

10. The purposes for which the governing body of a school may be authorised in pursuance of this Act to borrow money shall be purposes for which the Public Works Loan Commissioners may lend to such governing body.

Supplemental Provisions.

Duration of powers of joint education committee, and suspension of powers of Charity Commissioners.

11. The powers conferred by this Act on a joint education committee shall not, unless Parliament otherwise directs, be exercised by the committee after the expiration of three years from the date of the commencement of this Act (*a*), and, during the continuance of the powers of the committee under this Act, all powers which otherwise might have been exercised by the Charity Commissioners of making, establishing, or submitting (independently of any scheme submitted by the joint education committee) a scheme for the administration of any educational

(*a*) This period has been extended by various Expiring Laws Continuance Acts up to 31st December, 1902 : see Expiring Laws Continuance Act, 1901 (1 Edw. 7, c. 33).

endowments within the county of such committee, shall, except with the consent of the Education Department (*a*), be suspended, and not be exercised by them in relation to such endowments. Nothing in this Act shall prevent any proceedings under the Endowed Schools Acts in relation to any scheme of which a draft has been prepared, published, and circulated before the commencement of this Act, in pursuance of sections thirty-two and thirty-three of the Endowed Schools Act, 1869, and such scheme may be proceeded with, submitted for approval, and come into operation as if this Act had not passed.

Description of endowments applicable to purpose of Act.

12.—(1.) An educational endowment within the county of a joint education committee means any educational endowment which is applied in the county or is appropriated for the benefit of the natives or inhabitants of the county, or of some of such natives or inhabitants, or their children, or where the benefits of such endowment are divisible between two counties or between the counties in Wales and the county of Monmouth, or any of them, and any place outside of Wales and the county of Monmouth, then means so much of the endowment as the Charity Commissioners (*a*) may determine to be applicable for the benefit of the county of the joint education committee.

33 & 34 Vict. c. 75. 36 & 37 Vict. c. 87.

(2.) Any school or endowment of a school to which section seventy-five of the Elementary Education Act, 1870 (*b*), applies, and any endowed school to which section three of the Endowed Schools Act, 1873 (*c*), applies, shall, if the school is in the county of a joint education committee under this Act, be for the purposes of the Endowed Schools Acts and this Act an educational endowment and endowed school within the county of such committee.

Construction of Act in relation to endowments applicable to purposes thereof.

13. For the purposes of any scheme under this Act every notice relating to the scheme shall be sent to the joint education committee concerned therein in like manner as if they were a governing body, and such committee shall, during the duration of their powers under this Act, have the same power of applying to the Charity Commissioners (*a*) with respect to any educational endowment within their county as if they were the governing body of that endowment.

(*a*) Now the Board of Education : Board of Education Act, 1899, sect. 2 (2), p. 334 ; Order in Council, 7th Aug., 1900, 2 (1) (b), p. 452.

(*b*) See the section p. 213.

(*c*) That is, an endowed school, not being a grammar school as defined by 3 & 4 Vict., c. 77, or a department of such a grammar school, and which was on the 1st Sept., 1873, an elementary school within the meaning of the Elementary Education Act, 1870, and the gross average annual income of the aggregate educational endowments of which school during the three years next before such date did not exceed one hundred pounds.

Nothing in this Act shall authorise the making of any scheme interfering with—

(1.) Any endowment given either by present gift made subsequently to the passing of the Endowed Schools Act, 1869, or by the will of a testator who died subsequently to the passing of the said Act, unless the founder or governing body of such endowment assents to the scheme.

In the case of an endowment or part of an endowment given either by present gift made subsequently to the passing of the Endowed Schools Act, 1869, or by the will of a testator who died subsequently to the passing of the said Act, sections twenty-five and twenty-six of the said Act shall for the purposes of a scheme under this Act, and subject to the provisions of this Act, apply in like manner as if the same and any older endowment or part of an endowment were respectively in the said sections substituted for an endowment or part of an endowment originally given to charitable uses less or more than fifty years before the commencement of the said Act.

Exemption of schemes from certain provisions of Endowed Schools Acts.

14. Nothing in the endowed Schools Acts which is inconsistent with any of the provisions of this Act shall apply in the case of any scheme under this Act, but subject to this enactment the powers conferred by this Act shall be in addition to, and not in derogation of, the powers under the said Act.

Report by Charity Commissioners.

15. The Charity Commissioners (*a*) shall in every year cause to be laid before both Houses of Parliament a report of the proceedings under this Act during the preceding year.

Application of Acts to counties and county boroughs. 51 & 52 Vict. c. 41.

16.—(1.) In this Act the expression "county" means an administrative county as defined in the Local Government Act, 1888, and includes a county borough within the meaning of that Act; and the expression "county council" includes the council of a county borough (*b*).

(2.) Any sums payable by the council of a county borough in pursuance of this Act shall be paid out of the borough fund or borough rate (*c*).

General definitions.

17. In this Act unless there is something in the context inconsistent therewith—

The expression "intermediate education" means a course of education which does not consist chiefly of elementary instruction in reading, writing, and arithmetic, but which includes instruction in Latin, Greek, the Welsh and English language and literature, modern languages, mathematics, natural and applied science, or in some such studies, and generally in the higher branches of

(*a*) Now Board of Education: Board of Education Act, 1899, sect. 2 (2), p. 334; Orders in Council, 7th Aug., 1900, p. 452; 24th July, 1901, p. 455.

(*b*) See p. 2.

(*c*) See p. 149.

knowledge, but nothing in this Act shall prevent the establishment of scholarships in higher or other elementary schools;

The expression "technical education" includes instruction in—

(i.) Any of the branches of science and art with respect to which grants are for the time being made by the Department of Science and Art;

(ii.) The use of tools, and modelling in clay, wood, or other material;

(iii.) Commercial arithmetic, commercial geography, book-keeping, and shorthand;

(iv.) Any other subject applicable to the purposes of agriculture, industries, trade, or commercial life and practice, which may be specified in a scheme, or proposals for a scheme, of a joint education committee as a form of instruction suited to the needs of the district;

but it shall not include teaching the practice of any trade, or industry, or employment.

32 & 33 Vict. c. 56. The expression "Endowed Schools Acts" means the Endowed Schools Acts, 1869, 1873, and 1874;

36 & 37 Vict. c. 87. 37 & 38 Vict. c. 87. The expression "Education Department" (*a*) means the Lords of the Committee of Her Majesty's Privy Council on Education;

The expression "Charity Commissioners" means the Charity Commissioners for England and Wales;

The expression "scholarship" includes exhibition or other educational emolument;

The expression "parent" includes guardian and every person who is liable to maintain or has the actual custody of a child;

The expression "scheme under this Act" means a scheme under the Endowed Schools Act as amended by this Act.

LOCAL TAXATION (CUSTOMS AND EXCISE) ACT, 1890.

53 & 54 Vict. c. 60.

An Act for the Distribution and Application of certain Duties of Customs and Excise; and for other purposes connected therewith. [*18th August*, 1890.

Whereas certain local taxation (customs and excise) duties have by an Act of the present session been directed to be paid to the same local taxation accounts as the local taxation probate duty, and it is expedient to provide for the distribution and application of the duties so paid:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and

(*a*) Now Board of Education: Board of Education Act, 1899, sect. 2 (1).

Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Application of English share of customs and excise duties.

1.—(1.) Out of the English share of the local taxation (customs and excise) duties paid to the local taxation account on account of any financial year—

(a.) The sum of three hundred thousand pounds shall be applied for such purposes of police superannuation in England as hereinafter mentioned;

(b.) The residue shall, unless Parliament otherwise determines, be distributed between county and county borough funds, and carried to the Exchequer contribution accounts of those funds respectively, and applied under the Local Government Act, 1888, as if it were part of the English share of the local taxation probate duty, and shall be the subject of an adjustment between counties and county boroughs, according to section thirty-two of the said Act, by the Commissioners under that Act. 51 & 52 Vict. c. 41.

(2.) [Repealed by E. Act, 1902.]

(3.) [Repealed by E. Act, 1902.]

(4.) The council for any county to which the Welsh Intermediate Education Act, 1889, applies may contribute any sum received by such council under this section in respect of the said residue or any part of that sum towards intermediate and technical education under that Act, in addition to the amount which the council can under that Act contribute for such education (*a*). 52 & 53 Vict. c. 40.

Distribution of local taxation (customs and excise) duties, 51 & 52 Vict. c. 41. 52 & 53 Vict. c. 50. 51 & 52 Vict. c. 60.

5. All sums paid in respect of the local taxation (customs and excise) duties to any local taxation accounts mentioned in section twenty-one of the Local Government Act, 1888, in section twenty-one of the Local Government (Scotland) Act, 1889, or in the Probate Duties (Scotland and Ireland) Act, 1888, shall be paid and distributed by the like central authority as in the case of the local taxation probate duty, and the enactments relating to such distribution shall, subject to the express provisions of this Act, apply accordingly; the said accounts are in this Act referred to by the names given them in the said Acts.

Definitions.

6. In this Act, unless the context otherwise requires:—

The expressions "burgh," "police burgh," and "police commissioners," have respectively the same meaning as in the Local Government (Scotland) Act, 1889.

The expression "local taxation probate duty" means the moiety of probate duties which under section twenty-one of the Local Government Act, 1888, and section twenty-one of the Local Government (Scotland) Act, 1889, and section two of the Probate Duties (Scotland and Ireland) Act, 1888, is directed to be paid to the several local taxation accounts in England, Scotland, and Ireland respectively. 51 & 52 Vict. c. 60.

(*a*) See p. 300.

The expression "central authority" means as respects England the Local Government Board; as respects Scotland, the Secretary for Scotland; and as respects Ireland the Lord Lieutenant.

Short title.

7. This Act may be cited as the Local Taxation (Customs and Excise) Act, 1890.

SCHOOLS FOR SCIENCE AND ART ACT, 1891.

54 & 55 VICT. C. 61.

An Act to facilitate the transfer of Schools for Science and Art to Local Authorities. [*5th August*, 1891.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Transfer of school for science and art or literary or scientific institution to local authority. 17 & 18 Vict. c. 112. 52 & 53 Vict. c. 76. 33 & 34 Vict. c. 75.

1.—(1.) The managers of any school for science and art, or for science, or for art, or of any institution to which the Literary and Scientific Institutions Act, 1854, applies, may make an arrangement with any local authority within the meaning of the Technical Instruction Act, 1889 (*a*), for transferring the school or institution to that authority, and the local authority may assent to any such arrangement and give effect thereto, subject to the provisions of that Act.

(2.) The provisions of section twenty-three of the Elementary Education Act, 1870, with respect to arrangements for the transfer of schools shall apply in the case of arrangements for the transfer of schools or institutions in pursuance of this section, with this modification, that for the purposes of transfers to a local authority references to the school board shall be construed as references to the local authority (*b*) and references to the Education Department as references to the Department of Science and Art (*c*), and references to a school shall, in the case of an institution not being a school, be construed as references to the institution.

(3.) In this section the expression "managers" includes all persons who have the management of any school or institution,

(*a*) The Technical Instruction Act, 1889, is repealed by E. Act, 1902, Sch. IV., Part I., but by Sch. III. (11) references in any enactment to any provisions of the Technical Instruction Acts, 1889 and 1891, or either of those Acts shall, unless the context otherwise requires, be construed as references to the provisions of Part II. of the E. Act, 1902, which deals with higher education; see p. 292.

(*b*) Now local education authority: E. Act, 1902, Sch. III. (1).

(*c*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

whether the legal interest in the site and buildings of the school or institution is or is not vested in them.

2. This Act may be cited as the Schools for Science and Art Act, 1891. Short title.

TECHNICAL AND INDUSTRIAL INSTITUTIONS ACT, 1892.

55 & 56 VICT. c. 29.

An Act to facilitate the Acquisition and Holding of Land by Institutions for promoting Technical and Industrial Instruction and Training. [27*th June*, 1892.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Technical and Industrial Institutions Act, 1892. Short title.

2. This Act applies to every institution established, whether before or after the passing of this Act, for effecting all or any of the following purposes, that is to say:— Definition of institution.

(i.) To give technical instruction within the meaning of the Technical Instruction Act, 1889 (*a*); 52 & 53 Vict. c. 76.

(ii.) To provide the training, mental or physical, necessary for the above purpose.

(iii.) In connexion with the purposes before mentioned, to provide workshops, tools, scientific apparatus and plant of all kinds, libraries, reading rooms, halls for lectures, exhibitions, and meetings, gymnasiums, and swimming baths, and also general facilities for mental and physical training, recreation, and amusement, and also all necessary and proper accommodation for persons frequenting the institution;

and every such institution is in this Act referred to as the institution.

3.—(1.) The governing body of the institution may be any body corporate, council, public authority, local authority, commissioners, directors, committee, trustees, or other body of persons, corporate or unincorporate, willing to undertake, or elected or appointed for the purpose of undertaking, or having, the government and management of the institution. Governing body.

(*a*) The Act is repealed by E. Act, 1902, Sch. IV., Part I., p. 293, but references in any enactment to any provisions of the Act are, unless the context otherwise requires, to be construed as references to the provisions of Part II. (Higher Education) of the E. Act, 1902: E. Act, 1902, Sch. III. (11).

(2.) The governing body may make byelaws and rules for the management and conduct of the institution.

Incorporation of 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106.

4. The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860 (except the provisions of those Acts relating to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by promoters of the undertaking, and with respect to determining the amount of purchase money by valuation of surveyors), are hereby incorporated in this Act.

Power to take land by agreement.

5. The governing body of the institution may by agreement enter on, take, and use any land required by them for the purposes of the institution, and such land may be conveyed either to the governing body or to trustees for the governing body.

Conveyance may be by way of sale, exchange, or gift.

6.—(1.) A conveyance of land may be made to the governing body of the institution or to trustees for the governing body either for valuable consideration in money, or in consideration of a rentcharge, or by way of exchange for other land, or, subject as in this Act provided, by way of free gift, and without any consideration.

(2.) A conveyance under this Act by a person having an equitable estate shall operate to pass any bare outstanding legal estate vested in a trustee.

Conveyance by limited owners.

7.—(1.) A conveyance under this Act by a person not entitled to dispose absolutely for his own benefit of the land proposed to be conveyed (other than a conveyance on a sale or exchange for the best consideration in money, or by way of rentcharge, or in land to be reasonably obtained) shall be subject to the following restrictions and provisions:—

(a.) It shall not in itself, or in addition to any land conveyed under this Act by the same person, comprise more than two acres in the whole in any one county, city, or borough:

(b.) It shall be made either with the consent of the person, if any, entitled to the next estate of freehold in remainder for the time being, or with the approval of the High Court of Justice.

(2.) Every application to the Court for an order approving a conveyance under this Act shall be by summons in chambers, and shall, subject to the Acts regulating the Court, be assigned to the Chancery Division.

(3.) On any such application the Court may direct notice to be served on such persons, if any, as it thinks fit.

(4.) On any such application the Court shall have regard to the circumstances of the settled estate, the wants of the neighbourhood, and the interests of the persons entitled in remainder, and the Court, if it thinks fit under all the circumstances of the case, may make an order approving the proposed conveyance. Such order, if the Court thinks fit, may be made on such terms and conditions, if any, as the Court thinks proper: but no such order shall be made if the

application is opposed by any person entitled in remainder, unless the Court is of opinion that the opposition is unreasonable, or the interest of the person opposing so remote that it may properly be disregarded.

Institution to be public.

8. Every institution for which land has been acquired under an exercise of the powers conferred by this Act shall be open generally either to all persons or to all persons within specified limits as to age, qualification, or otherwise, and either without payment or on specified terms as to times of attendance and payment of subscriptions or fees or otherwise, but so that no preference be given to any person or class of persons within the specified limits.

Site may be sold or exchanged.

9.—(1.) Land acquired under the powers of this Act shall not be used otherwise than for the purposes of an institution within the meaning of this Act, but, with the consent of the Charity Commissioners (*a*), may be sold or may be exchanged for other land.

(2.) The governing body or their trustees may execute conveyances and do all acts necessary to effectuate a sale or exchange.

(3.) On a sale, the receipt of the governing body or of the trustees for the governing body shall be a sufficient discharge for the purchase money, and such money shall, as soon as convenient, be invested in the purchase of other land.

(4.) Land purchased or taken in exchange under this section shall be devoted to the same purposes and be liable to the same incidents as originally were applicable to or affected the land sold or given in exchange.

(5.) Money arising by sale may, until reinvested in the purchase of land, be invested in the names of the governing body or of trustees for the governing body in any manner in which trust money is for the time being by law authorised to be invested; and all dividends and income on investments so made and all the resulting income shall be invested in like manner so as to accumulate in the way of compound interest, and be added to capital until the capital is reinvested in the purchase of land.

Parts I. and II. of 51 & 52 Vict. c. 42, and part of 54 & 55 Vict. c. 73, not to apply.

10.—(1.) Parts I. and II. of the Mortmain and Charitable Uses Act, 1888, and so much of the Mortmain and Charitable Uses Act, 1891, as requires that land assured by will shall be sold within one year from the death of the testator, shall not apply to conveyances or to assurances by will made under or for the purposes of this Act, but every such conveyance or assurance shall be enrolled as soon as may be in the books of the Charity Commissioners (*a*).

(2.) Any corporate body may acquire and shall be entitled to hold and retain land for the purposes of this Act without any licence in mortmain.

Extent of Act.

11. This Act shall not extend to Scotland.

(*a*) Now Board of Education: see Order in Council, 11th Aug., 1902, p. 470.

PREVENTION OF CRUELTY TO CHILDREN ACT, 1894.

57 & 58 VICT. C. 41.

An Act to consolidate the Acts relating to the Prevention of Cruelty to, and Protection of, Children. [17*th August*, 1894.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Restrictions on Employment of Children.

Restrictions on employment of children.

2. If any person—

(a.) causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, or, having the custody, charge, or care of any such child, allows that child, to be in any street, premises, or place for the purpose of begging or receiving alms, or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise; or

(b.) causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, or, having the custody, charge, or care of any such child, allows that child, to be in any street, or in any premises licensed for the sale of any intoxicating liquor, other than premises licensed according to law for public entertainments, for the purpose of singing, playing, or performing for profit, or offering anything for sale, between nine p.m. and six a.m.; or

(c.) causes or procures any child under the age of eleven years, or, having the custody, charge, or care of any such child, allows that child, to be at any time in any street, or in any premises licensed for the sale of any intoxicating liquor, or in premises licensed according to law for public entertainments, or in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing for profit, or offering anything for sale; or

(d.) causes or procures any child under the age of sixteen years, or, having the custody, charge, or care of any such child, allows that child to be in any place for the purpose of being trained as an acrobat, contortionist, or circus performer, or of being trained for any exhibition or performance which in its nature is dangerous,

that person shall, on summary conviction, be liable, at the discretion of the court, to a fine not exceeding twenty-five pounds, or

alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months.

Provided that—

(i.) This section shall not apply in the case of any occasional sale or entertainment the net proceeds of which are wholly applied for the benefit of any school or to any charitable object, if such sale or entertainment is held elsewhere than in premises which are licensed for the sale of any intoxicating liquor but not licensed according to law for public entertainments, or if, in the case of a sale or entertainment held in any such premises as aforesaid, a special exemption from the provisions of this section has been granted in writing under the hands of two justices of the peace; and

(ii.) Any local authority may, if they think it necessary or desirable so to do, from time to time by byelaw extend or restrict the hours mentioned in paragraph (b) of this section, either on every day or on any specified day or days of the week, and either as to the whole of their district or as to any specified area therein; and

(iii.) Paragraphs (c) and (d) of this section shall not apply in any case in respect of which a licence granted under this Act is in force, so far as that licence extends; and

(iv.) Paragraph (d) of this section shall not apply in the case of a person who is the parent or legal guardian of a child, and himself trains the child.

Licences for employment of children.

3.—(1.) A petty sessional court, or in Scotland the School Board, may, notwithstanding anything in this Act, grant a licence for such time and during such hours of the day, and subject to such restrictions and conditions as the court or board think fit, for any child exceeding seven years of age,—

(a.) to take part in any entertainment or series of entertainments to take place in premises licensed according to law for public entertainments, or in any circus or other place of public amusement as aforesaid; or

(b.) to be trained as aforesaid; or

(c.) for both purposes;

if satisfied of the fitness of the child for the purpose, and if it is shown to their satisfaction that proper provision has been made to secure the health and kind treatment of the children taking part in the entertainment or series of entertainments or being trained as aforesaid, and the court or board may, upon sufficient cause, vary, add to, or rescind any such licence.

Any such licence shall be sufficient protection to all persons acting under or in accordance with the same.

(2.) A Secretary of State may assign to any inspector appointed under section sixty-seven of the Factory and Workshop Act, 41 & 42 Vict. c. 16.

1878 (*a*), specially and in addition to any other usual duties, the duty of seeing whether the restrictions and conditions of any licence under this section are duly complied with, and any such inspector shall have the same power to enter, inspect, and examine any place of public entertainment at which the employment of a child is for the time being licensed under this section as an inspector has to enter, inspect, and examine a factory or workshop under section sixty-eight of the same Act.

(3.) Where any person applies for a licence under this section he shall, at least seven days before making the application, give notice thereof to the chief officer of police for the district in which the licence is to take effect, and that officer may appear or instruct some person to appear before the authority hearing the application, and show cause why the licence should not be granted, and the authority to whom the application is made shall not grant the same unless they are satisfied that notice has been properly so given.

(4.) Where a licence is granted under this section to any person, that person shall, not less than ten days after the granting of the licence, cause a copy thereof to be sent to the inspector of factories and workshops acting for the district in which the licence is to take effect, and if he fails to cause such copy to be sent, shall be liable on summary conviction to a fine not exceeding five pounds.

(5.) Nothing in this or in the last preceding section shall affect the provisions of the Elementary Education Act, 1876 (*b*), or the Education (Scotland) Act, 1878.

39 & 40 Vict. c. 79.
41 & 42 Vict. c. 78.

Arrest of Offender and Provision for Safety of Children.

Power to take offenders into custody.

4.—(1.) Any constable may take into custody, without warrant, any person—

(a.) who within view of such constable commits an offence under this Act, or any of the offences mentioned in the Schedule to this Act, where the name and residence of such person are unknown to such constable and cannot be ascertained by such constable; or

(b.) who has committed or who he has reason to believe has committed any offence of cruelty within the meaning of this Act, or any of the offences mentioned in the Schedule to this Act, if he has reasonable ground for believing that such

(*a*) The Factory and Workshop Act, 1878, is repealed by the Factory and Workshop Act, 1901 (1 Edw. 7, c. 22), but by sect. 161 (3) of that Act it is provided that all inspectors and sub-inspectors appointed in pursuance of any enactment hereby repealed shall continue in office and shall be subject to removal and have the same powers and duties as if they had been appointed in pursuance of this Act. For the appointment of inspectors and their powers under the Act of 1901, see sects. 118—121 thereof.

(*b*) See the Act, *ante*, p. 226.

person will abscond, or if the name and address of such person are unknown to and cannot be ascertained by the constable.

(2.) Where a constable arrests any person without warrant in pursuance of this section, the inspector or constable in charge of the station to which such person is conveyed shall, unless in his belief the release of such person on bail would tend to defeat the ends of justice, or to cause injury or danger to the child against whom the offence is alleged to have been committed, release the person arrested on his entering into such a recognisance, with or without sureties, as may in his judgment be required to secure the attendance of such person upon the hearing of the charge.

Detention of child in place of safety.

5.—(1.) A constable may take to a place of safety any child in respect of whom an offence under paragraph (a) of section two of this Act has been committed, or in respect of whom an offence of cruelty within the meaning of this Act, or any of the offences mentioned in the Schedule to this Act has been, or there is reason to believe has been, committed.

(2.) A child so taken to a place of safety, and also any child under the age of sixteen years who seeks refuge in a place of safety, may there be detained until it can be brought before a court of summary jurisdiction, and that court may make such order as is mentioned in the next following sub-section, or may cause the child to be dealt with as circumstances may admit and require until the charge made against any person in respect of any offence as aforesaid with regard to the child has been determined by the committal for trial, or conviction, or discharge of such person.

(3.) Where it appears to a court of summary jurisdiction or any justice that an offence of cruelty within the meaning of this Act or any of the offences mentioned in the Schedule to this Act has been committed in the case of any child that is brought before such court or justice, and that the health or safety of the child will be endangered unless an order is made under this sub-section, the court or justice may, without prejudice to any other power under this Act, make such order as circumstances require for the care and detention of the child until a reasonable time has elapsed for a charge to be made against some person for having committed the offence, and, if a charge is made against any person within that time, until the charge has been determined by the committal for trial or conviction or discharge of that person, and any such order may be carried out notwithstanding that any person claims the custody of the child.

(4.) Boards of guardians, and, in Scotland, parochial boards, shall provide for the reception of children brought to a workhouse in pursuance of this Act, and where the place of safety to which a constable takes a child is a workhouse, the master shall receive the child into the workhouse if there is suitable accommodation

therein for the same, and shall detain the child until the case is determined, and any expenses incurred in respect of the child shall be deemed to be expenses incurred in the relief of the poor.

Disposal of child by order of court.

6.—(1.) Where a person having the custody, charge, or care of a child under the age of sixteen years has been—

(a.) convicted of committing in respect of such child an offence of cruelty within the meaning of this Act, or any of the offences mentioned in the Schedule to this Act; or

(b.) committed for trial for any such offence; or

(c.) bound over to keep the peace towards such child,

by any court, that court either at the time when the person is so convicted, committed for trial, or bound over, and without requiring any new proceedings to be instituted for the purpose, or at any other time, and also any petty sessional court before which any person may bring the case, may, if satisfied on inquiry that it is expedient so to deal with the child, order that the child be taken out of the custody of the person so convicted, committed for trial, or bound over, and be committed to the custody of a relation of the child, or some other fit person named by the court (such relation or other person being willing to undertake such custody), until it attains the age of sixteen years, or for any shorter period, and may of its own motion or on the application of any person from time to time by order renew, vary, and revoke any such order; but no order shall be made under this section unless a parent of the child has been convicted of or committed for trial for the offence, or is under committal for trial for having been or has been proved to have been party or privy to the offence, or has been bound over to keep the peace towards such child.

(2.) Every order under this section shall be in writing, and any such order may be made by the court in the absence of the child; and the consent of any person to undertake the custody of a child in pursuance of any such order shall be proved in such manner as the court may think sufficient to bind him.

(3.) Where an order is made under this section in respect of a person who has been committed for trial, then if that person is acquitted of the charge, or if the charge is dismissed for want of prosecution, the order shall forthwith be void except with regard to anything that may have been lawfully done under it.

(4.) A Secretary of State in England, and in Scotland the Secretary for Scotland, and in Ireland the Lord Lieutenant of Ireland, may at any time in his discretion discharge a child from the custody of any person to whose custody it is committed in pursuance of this section, either absolutely or on such conditions as such Secretary of State, Secretary, or Lord Lieutenant, approves, and may, if he thinks fit, make rules in relation to children so committed to the custody of any person, and to the duties of such persons with respect to such children.

(5.) A Secretary of State, in any case where it appears to him to be for the benefit of a child who has been committed to the custody of any person in pursuance of this section, may empower such person to procure the emigration of the child, but, except with such authority, no person to whose custody a child is so committed shall procure its emigration.

Maintenance of child when committed to custody of any person under order of court.

7.—(1.) Any person to whose custody a child is committed under this Act shall, whilst the order is in force, have the like control over the child as if he were its parent, and shall be responsible for its maintenance, and the child shall continue in the custody of such person, notwithstanding that it is claimed by its parent.

(2.) Any court having power so to commit a child shall have power to make the like orders on the parent of the child to contribute to its maintenance during such period as aforesaid as if the child were detained under the Industrial Schools Acts, but the limit on the amount of the weekly sum which the parent of a child may be required, under this section, to contribute to its maintenance shall be one pound a week instead of the limit fixed by the Industrial Schools Acts.

(3.) Any such order may be made on the complaint or application of the person to whose custody the child is for the time being committed, and either at the time when the order for the child's committal to custody is made, or subsequently, and the sums contributed by the parent shall be paid to such person as the court may name, and be applied for the maintenance of the child.

(4.) If a person fails to pay any sum payable by him in pursuance of any such order, he may be dealt with in like manner as if the sum were due from him in pursuance of an order under the Bastardy Law Amendment Act, 1872, or in Scotland were a sum decerned for aliment, or in Ireland were a sum ordered to be paid by him under the Summary Jurisdiction (Ireland) Acts.

35 & 36 Vict. c. 65.

(5.) Where an order under this Act to commit a child to the custody of some relation or other person is made in respect of a person who has been committed for trial for an offence, the court shall not have power to order the parent of the child to contribute to its maintenance prior to the trial of that person.

Religious persuasion of person to whom child is committed.

8.—(1.) In determining on the person to whose custody the child shall be committed under this Act, the court shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a person of the same religious persuasion, or a person who gives such undertaking as seems to the court sufficient that the child shall be brought up in accordance with its own religious persuasion, and such religious persuasion shall be specified in the order.

(2.) In any case where the child has been placed pursuant to any such order with a person who is not of the same religious persuasion as that to which the child belongs or who has not given

such undertaking as aforesaid the court shall, on the application of any person in that behalf, and on its appearing that a fit person who is of the same religious persuasion or who will give such undertaking as aforesaid, is willing to undertake the custody, make an order to secure his being placed with a person who either is of the same religious persuasion or gives such undertaking as aforesaid.

(3.) Where a child has been placed with a person who gives such undertaking as aforesaid and the undertaking is not observed, the child shall be deemed to have been placed with a person not of the same religious persuasion as that to which the child belongs as if no such undertaking had been given.

Interchange of powers under Industrial Schools Acts and this Act.

9.—(1.) Where any child under the age of sixteen years is brought before a petty sessional court under circumstances authorising the court to deal with the child under the Industrial Schools Acts, the court, if it thinks fit, in lieu of ordering that the child be sent to an industrial school, may make an order under this Act for the committal of the child to the custody of a relation or person named by the court.

(2.) Where a court orders a child to be sent to an industrial school, the order may, at the discretion of the court, be made to take effect either immediately or at any later time specified therein, regard being had to the age or health of the child; and if the order is not made to take effect immediately, or if at the time specified for the order to take effect the child is deemed unfit to be sent to an industrial school, the court may commit the child to the custody of a relation or person named by the court, as provided by this Act, until the time so specified or the time when the order actually takes effect.

Evidence and Procedure.

Evidence of accused person.

12. In any proceeding against any person for an offence under this Act or for any of the offences mentioned in the Schedule to this Act, such person shall be competent but not compellable to give evidence, and the wife or husband of such person may be required to attend to give evidence as an ordinary witness in the case, and shall be competent but not compellable to give evidence.

Evidence of child of tender years.

15.—(1.) Where, in any proceeding against any person for an offence under this Act or for any of the offences mentioned in the Schedule to this Act, the child in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness, does not in the opinion of the court understand the nature of an oath, the evidence of such child may be received, though not given upon oath, if, in the opinion of the court, such child is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth: and the evidence of such child, though not given on oath but otherwise taken and reduced into writing, in accordance

with the provisions of section seventeen of the Indictable Offences Act, 1848, or of section fourteen of the Petty Sessions (Ireland) Act, 1851, or of section thirteen of this Act, shall be deemed to be a deposition within the meaning of those sections respectively: 11 & 12 Vict. c. 42. 14 & 15 Vict. c. 93.

Provided that—

(a.) A person shall not be liable to be convicted of the offence unless the testimony admitted by virtue of this section and given on behalf of the prosecution is corroborated by some other material evidence in support thereof implicating the accused; and

(b.) Any child whose evidence is received as aforesaid and who shall wilfully give false evidence shall be liable to be indicted and tried for such offence, and on conviction thereof may be adjudged such punishment as is provided for by section eleven of the Summary Jurisdiction Act, 1879, in the case of juvenile offenders, or in Ireland by section four of the Summary Jurisdiction over Children (Ireland) Act, 1884, in the case of children. 42 & 43 Vict. c. 49. 47 & 48 Vict. 19.

(2.) This section shall not apply to Scotland.

Presumption of age of child.

17. Where a person is charged with an offence under this Act, or any of the offences mentioned in the Schedule to this Act, in respect of a child who is alleged in the charge or indictment to be under any specified age, and the child appears to the court to be under that age, such child shall for the purposes of this Act be deemed to be under that age, unless the contrary is proved.

Mode of charging offences and limitation of time.

18.—(1.) Where a person is charged with committing an offence under this Act or any of the offences mentioned in the Schedule to this Act in respect of two or more children, the same information or summons may charge the offence in respect of all or any of them but the person charged shall not be liable to a separate penalty for each child unless upon separate informations.

(2.) The same information or summons may also charge the offences of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, but when those offences are charged together the person charged shall not be liable to a separate penalty for each.

(3.) A person shall not be summarily convicted of an offence under this Act or of an offence mentioned in the Schedule to this Act unless the offence was wholly or partly committed within six months before the information was laid; but, subject as aforesaid, evidence may be taken of acts constituting, or contributing to constitute, the offence, and committed at any previous time.

(4.) Where an offence under this Act or any offence mentioned in the Schedule to this Act charged against any person is a continuous offence, it shall not be necessary to specify in the information, summons, or indictment, the date of the acts constituting the offence.

Appeal from summary conviction to quarter sessions.

19. When, in pursuance of this Act, any person is convicted by a court of summary jurisdiction of an offence, and such person did not plead guilty or admit the truth of the information, or when in the case of any application under sections six, seven, or eight of this Act, other than an application to a judge or court of assize, any party thereto thinks himself aggrieved by any order or decision of the court, he may appeal against such a conviction, or order, or decision, in England and Ireland to a court of quarter sessions, and in Scotland to the High Court of Justiciary, in manner provided by the Summary Prosecutions Appeal (Scotland) Act, 1875, or any Act amending the same.

38 & 39 Vict. c. 62.

Guardians may pay costs of proceedings.

21. A board of guardians, or in Scotland the parochial board of any parish or combination, may, out of the funds under their control, pay the reasonable costs and expenses of any proceedings which they have directed to be taken under this Act in regard to the assault, ill-treatment, neglect, abandonment, or exposure of any child, and, in the case of a union, shall charge such costs and expenses to the common fund.

Supplemental.

Provisions as to byelaws. 38 & 39 Vict. c. 55.

22. Every byelaw under this Act shall be subject—

(a.) In England to section one hundred and eighty-four of the Public Health Act, 1875, as if every local authority in England under this Act were a local authority within the meaning of that section, but with the substitution of Secretary of State for the Local Government Board.

Provision as to parents and as to meaning of "custody, charge, or care."

23.—(1.) The provisions of this Act relating to the parent of a child shall apply to the step-parent of a child and to any person cohabiting with the parent of the child, and the expression "parent" when used in relation to a child includes guardian and every person who is by law liable to maintain the child.

(2.) This Act shall apply in the case of a parent who being without means to maintain a child fails to provide for its maintenance under the Acts relating to the relief of the poor, in like manner as if the parent had otherwise neglected the child.

(3.) For the purposes of this Act—

Any person who is the parent of a child shall be presumed to have the custody of the child; and

Any person to whose charge a child is committed by its parent shall be presumed to have charge of the child; and

Any other person having actual possession or control of a child shall be presumed to have the care of the child.

Right of parent, &c. to administer punishment.

24. Nothing in this Act shall be construed to take away or affect the right of any parent, teacher, or other person having the lawful control or charge of a child to administer punishment to such child.

25. In this Act unless the context otherwise requires— General definitions.

The expression "local authority" means, as regards any borough in England, the council of the borough; as regards the city of London, the common council; as regards the county of London, the county council; and as regards any other place in England, the district council, and until a district council is established the urban or rural sanitary authority:

The expression "chief officer of police" means—

in the city of London and the liberties thereof, the commissioner of city police;

in the metropolitan police district, the commissioner of police of the metropolis;

elsewhere in England, the chief constable, or head constable or other officer, by whatever name called, having the chief local command of the police in the police district in reference to which such expression occurs:

The expression "street" includes any highway or other public place, whether a thoroughfare or not:

The expression "place of safety" includes any place certified by the local authority under this Act for the purposes of this Act, and also includes any workhouse or police station, or any hospital surgery, or place of the like kind:

The expression "Industrial Schools Acts" means as regards England and Scotland the Industrial Schools Act, 1866, and the Acts amending the same. 29 & 30 Vict. c. 118.

28.—(1.) This Act may be cited as the Prevention of Cruelty to Children Act, 1894. Short title and repeal.

(2.) The Prevention of Cruelty to, and Protection of, Children Act, 1889, and the Prevention of Cruelty to Children (Amendment) Act, 1894, are hereby repealed. 52 & 53 Vict. c. 44. 57 & 58 Vict. c. 27.

(3.) This Act shall come into operation on the twenty-first day of August one thousand eight hundred and ninety-four.

SCHEDULE.

Any offence under sections twenty-seven, fifty-five, or fifty-six of the Offences against the Person Act, 1861, and any offence against a child under the age of sixteen years under sections forty-three or fifty-two of that Act. 24 & 25 Vict. c. 100. 42 & 43 Vict. c. 34.

Any offence under the Children's Dangerous Performances Act, 1879.

Any other offence involving bodily injury to a child under the age of sixteen years.

AGRICULTURAL RATES ACT, 1896.

59 & 60 VICT. c. 16.

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An Act to amend the Law with respect to the Rating of Occupiers of Agricultural Land in England, and for other purposes connected therewith. [*20th July*, 1896.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Exemption of agricultural land from half of rates to which this Act applies.

1.—(1.) During the continuance of this Act, [*that is to say, the period of five years after the thirty-first day of March next after the passing of this Act* (*a*)] the occupier of agricultural land in England shall be liable in the case of every rate to which this Act applies, to pay one half only of the rate in the pound payable in respect of buildings and other hereditaments. *See pp.* 148, 149, 156.

(2.) This Act shall apply to every rate as defined by this Act, except a rate—

(a.) which the occupier of agricultural land is liable, as compared with the occupier of buildings or other hereditaments, to be assessed to or to pay in the proportion of one half or less than one half, or

(b.) which is assessed under any commission of sewers or in respect of any drainage, wall, embankment, or other work for the benefit of the land.

Payment out of local taxation

2.—(1.) In respect of the deficiency which will arise from the provisions of this Act in the produce of rates made by the spending

(*a*) The words in italics were repealed by the Agricultural Rates Act, 1896, &c., Continuance Act, 1901, sect. 1 (2), which by sect. 1 (1) extended the continuance of the Agricultural Rates Act, 1896, until 31st day of March, 1906.

authorities (*a*) in England, as herein-after defined, there shall during the continuance of this Act— account in respect of deficiency arising from exemption.

(a.) be paid to the local taxation account an annual sum (in this Act referred to as the annual grant) of such amount as is certified under the provisions herein-after contained; and

(b.) be issued from the local taxation account by half-yearly payments out of the annual grant to each such spending authority (*a*) a share of that grant of such amount as is certified under the provisions herein-after contained. *See pp.* 148, 149, 156.

(2.) The Commissioners of Inland Revenue, in such manner, by such payments, and under such regulations, as the Treasury direct, shall pay to the local taxation account, out of the proceeds of the estate duty derived in England from personal property, the annual sum required by this section to be paid to that account.

(3.) The first of those payments shall be made during the six months ending on the thirty-first day of March next after the passing of this Act, so as to make up a half-yearly payment to meet the issues to spending authorities (*a*) on account of the six ensuing months.

Contributions from more than one parish.

3.—(1.) Where any spending authority (*a*) require in any half year or other period to raise from two or more parishes a sum by a rate to which this Act applies, they shall, in determining the net amount to be so raised, deduct the sum issuable to them in respect of the said rate on account of their share of the annual grant for the said half year or other period, and the net amount after that deduction shall, where it would otherwise be raised in proportion to the rateable value, be raised in proportion to the assessable value of those parishes.

(2.) For the purposes of this section the assessable value of a parish shall be the rateable value thereof reduced by an amount equal to one half of the rateable value of the agricultural land in the parish.

Certifying of annual sums payable in respect of deficiency.

4.—(1.) The Local Government Board shall, as soon as may be after the passing of this Act, certify the amount—

(a.) of the annual grant to be paid to the local taxation account; and

(b.) of the share of such grant to be paid annually to each spending authority,

under this Act, and for that purpose shall determine in the prescribed manner the amount which for the purposes of this Act is to be taken as having been raised during the last year before the passing of this Act by any rate to which this Act applies for the expenditure of each spending authority (*a*).

(*a*) These include councils of counties, county boroughs, boroughs and urban districts: see sect. 9 and Schedule, *post.*

(2.) Such proportion of the whole amount so taken to be raised in respect of any hereditaments or parishes as the Local Government Board estimate to be the proportion of the total rateable value of those hereditaments or parishes which represents the value of agricultural land, shall be taken for the purposes of this Act as the amount raised during the said year, by the said authority, by the said rate, in respect of agricultural land, and one half of that amount shall be taken as the deficiency which will arise from the provisions of this Act in the produce of the said rate.

(3.) A sum equal to the total amount of the deficiencies thus estimated for all the spending authorities (*a*) in England shall be the amount of the annual grant, and a sum equal to the deficiency thus estimated in the case of each spending authority (*a*) shall be the share of that spending authority (*a*) in the annual grant, and the Local Government Board shall certify the same accordingly.

(4.) The Local Government Board, in acting under this section, shall obtain such information and make such inquiries, and in such manner as they think fit.

(5.) The Local Government Board may in case of error amend, or for the purpose of meeting any alteration in an area or authority to which a certificate relates may vary, a certificate under this section, and any such amendment or variation shall have effect from the date of the original certificate, or any later date fixed by the Board, but, save as aforesaid, a certificate shall be final and binding on all persons.

(6.) The Local Government Board may give provisional certificates, if they think necessary for the purpose of enabling the first payments to and out of the local taxation account under this Act to be made, before they have sufficient information to enable them to give final certificates.

Separate statement in valuation lists, &c., value of agricultural land.

5. In every valuation list and in the basis or standard for any county rate, and in any valuation made by the council of a borough or any other council for the purpose of raising the borough or other rate—

(a.) where separate hereditaments are specified therein, the value of agricultural land shall be stated separately from that of any building or other hereditament; and

(b.) in every case the total rateable value of the agricultural land in each parish shall be stated separately from the total rateable value of the buildings or other hereditaments in such parish; and whenever a copy of the total of the rateable value of any parish is required to be sent to any person, such copy shall state both the above-mentioned totals; and

(c.) where any hereditament consists partly of agricultural land and partly of buildings, the gross estimated rental of the

(*a*) These include councils of counties, county boroughs, boroughs and urban districts: see sect. 9 and Schedule, *post*.

buildings, when valued separately, in pursuance of this Act, from the agricultural land shall, while the buildings are used only for the cultivation of the said land, be calculated not on structural cost, but on the rent at which they would be expected to let to a tenant from year to year, if they could only be so used; and the total gross estimated rental of the hereditament shall not be increased by the said separate valuation.

Procedure for ascertaining deficiency and for separation of value of agricultural land from buildings and other hereditaments.

6.—(1.) For the purposes of this Act returns shall be made to the Local Government Board in accordance with the prescribed regulations—

(a.) by every spending authority (*a*) in relation to the sums actually received by them or their predecessors during the year next before the passing of this Act from any rate to which this Act applies; and

(b.) by every assessment committee or council whose duty it is to revise or make a valuation list, basis, standard or other valuation for any parish, in relation to the gross estimated rental and rateable value of that parish, and the proportion thereof which represents agricultural land; and

(c.) by any such authority, committee, or council in relation to any other prescribed information.

(2.) For the purpose of the returns, statements showing the gross estimated rental and rateable value of the agricultural land in a parish, and, in the case of any hereditament separately valued which consists in part of agricultural land and in part of buildings or other hereditaments, of each such part, shall be made by the overseers of every parish, and corrected by the assessment committee, and sent to the surveyor of taxes, and be subject to objection or appeal by the said surveyor and overseers before the assessment committee, and the justices in special sessions, and the court of quarter sessions, and subject to the right of any aggrieved ratepayer to be heard upon the said appeal, in such form, within such times, and generally in such manner, and subject to such provisions, as may be prescribed. These provisions shall conform as nearly as circumstances will permit to the existing statutory law respecting valuation lists, as regards notices, rights to inspect and take extracts, the hearing of objections, and otherwise.

(3.) The Local Government Board may by order make regulations for the purpose of this section, and also generally for carrying into effect this Act, and those regulations shall be laid before both Houses of Parliament, and if neither House of Parliament within ten days passes a resolution adverse to the said order, they shall be binding in law until varied in the same manner, shall have effect

(*a*) These include councils of counties, county boroughs, boroughs and urban districts: see sect. 9 and Schedule, *post*.

as if they were enacted in this Act, and shall amongst other matters provide—

(a.) for fixing, with the concurrence of the Treasury, for the purpose of the division in the statements of agricultural land from buildings or other hereditaments, the minimum gross estimated rental and rateable value of the buildings or other hereditaments;

(b.) for giving effect to a notice of objection or appeal by the surveyor of taxes unless it is proved that such notice is unfair or incorrect;

(c.) for the temporary adoption by the county council or any other council, of the division in the return between the total rateable value of agricultural land and that of buildings and other hereditaments;

(d.) for the alteration in the valuation list in accordance with the statements as finally settled and sending copies of the returns to spending authorities and for applying and adapting any statutory form or procedure respecting the valuation list or poor rate; and

(e.) for adapting this Act to cases where there is no valuation list, or where a sum is raised by rate from an area not a parish.

(4.) The regulations may also provide fines for the breach thereof not exceeding forty shillings, or in case of any continuing offence not exceeding forty shillings a day during the continuance of the offence, and any such fine may be recovered as a Crown debt or to an amount not exceeding one hundred pounds before a court of summary jurisdiction.

As to spending authorities.

7.—(1.) Where the spending authority (*a*) are [*a school board for a school district which is a parish, or* (*b*)] the surveyors of highways, the amount which otherwise would be payable under this Act to the spending authority may be paid to the guardians of the poor law union in which the parish is situate, and, if so paid, shall be paid or credited by them to the spending authority (*a*).

(2.) Every sum paid under this Act out of the local taxation account to any spending authority (*a*) in respect of any rate, shall, for the purpose of its application, of account, and of audit, be deemed to have been raised by the said rate.

[33 & 34 *Vict.* c. 75.]

(3.) [*For the purposes of section ninety-seven of the Elementary Education Act*, 1870, *any amount paid or credited under this Act out of the local taxation account to a school board shall be deemed to have been actually paid by the rating authority, and the amount which would have been raised or been produced by a rate of threepence*

(*a*) These include councils of counties, county boroughs, boroughs and urban districts: see sect. 9 and Schedule, *post*.

(*b*) Words in italics repealed by E. Act, 1902, Sch. IV., Part II.

in the pound on the rateable value shall be calculated in like manner as if this Act had not passed.—Repealed by E. Act, 1902.]

As to limit of rate or expenditure in case of any local authority.

8.—A limit imposed by any enactment on a rate shall be construed as being only a limit on the amount to be raised by that rate, and where by that limit or otherwise the sum to be raised or expended by a local authority is limited by any enactment by reference to a rate, the limit shall be varied so as to enable the local authority to raise or expend the same sum as they might have done if this Act had not passed, and in the case of a spending authority (*a*) receiving any sum paid under this Act out of the local taxation account in respect of such rate that sum shall be deemed to be part of the sum raised thereby.

Definitions.

9.—In this Act, unless the context otherwise requires:—

The expression "rate" means a rate made during the continuance of this Act, the proceeds of which are applicable to public local purposes, and which is leviable on the basis of an assessment in respect of the yearly value of property, and includes any sum which, though obtained in the first instance by a precept, certificate, or other instrument requiring payment from some authority or officer, is or can be ultimately raised out of a rate as before defined:

The expression "rateable value" in the case of the county rate, or any other rate, levied according to any annual value not being rateable value as stated in the valuation list, means that annual value:

The expression "valuation list" means a valuation list under the Union Assessment Committee Acts, 1862 and 1864, or, in the metropolis, under the Valuation (Metropolis) Act, 1869: 25 & 26 Vict. c. 103; 27 & 28 Vict. c. 39;

The expression "spending authority" means any of the local authorities in England mentioned in the schedule to this Act: 32 & 33 Vict. c. 67.

The expression "occupier" includes owner where the owner is rated in place of the occupier:

The expression "local taxation account" has the same meaning as in the Local Government Act, 1888: 51 & 52 Vict. c. 41.

The expression "prescribed" means prescribed by order of the Local Government Board:

The expression "agricultural land" means any land used as arable, meadow, or pasture ground only, cottage gardens exceeding one quarter of an acre, market gardens, nursery grounds, orchards, or allotments, but does not include land occupied together with a house as a park, gardens, other than as aforesaid, pleasure-grounds, or any land kept or preserved mainly or exclusively for purposes of sport or recreation, or land used as a racecourse:

The expression "cottage" means a house occupied as a dwelling by a person of the labouring classes:

(*a*) These include councils of counties, county boroughs, boroughs and urban districts: see sect. 9 and Schedule, *post*.

The expression "year" means the local financial year, that is to say, the twelve months beginning on the first day of April, or where the spending authority do not make up their accounts to that day on the nearest day thereto to which they do make up their accounts, or on any other prescribed day.

Short title.

10.—This Act may be cited as the Agricultural Rates Act, 1896.

SCHEDULE.

Spending Authorities.

County councils, councils of county boroughs, councils of boroughs and other urban districts and of rural districts, boards of guardians, the receiver of the metropolitan police district, [*school boards* (*a*),] highway boards, surveyors of highways.

ELEMENTARY SCHOOL TEACHERS (SUPERANNUATION) ACT, 1898.

61 & 62 Vict. c. 57.

Arrangement of Sections.

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An Act to provide for Superannuation and other Annuities and Allowances to Elementary School Teachers certificated by the Education Department. [12*th August*, 1898.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

(*a*) School boards are abolished as from the "appointed day" by E. Act, 1902, sect. 5, Sch. II. (1); but references to them are to be read as references to local education authorities, Sch. III. (1).

1.—(1.) A teacher certificated after the commencement of this Act shall not be recognised by the Education Department (*a*) as a certificated teacher until the Department (*a*) are satisfied in the prescribed manner of his physical capacity.

Elementary school teachers certificated after commencement of the Act.

(2.) In the case of a teacher who becomes a certificated teacher after the commencement of this Act, the following provisions shall, subject to rules under this Act, apply :—

(a.) His certificate shall expire on his attaining the age of sixty-five years, or if the Education Department (*a*), on account of his special fitness, allow his service to continue for a further limited time, then on the expiration of that limited time;

(b.) The teacher shall, while serving in recorded service (*b*), contribute to the deferred annuity fund under this Act at the rate, if a man, of three pounds, and if a woman, of two pounds, a year, or at such increased rate as may for the time being be fixed by the Treasury in accordance with this Act;

(c.) On his attaining the age of sixty-five years, or on any later date at which his certificate expires, he shall be entitled, out of the deferred annuity fund, to such annuity for the remainder of his life in respect of his contributions to that fund as may be fixed by the tables under this Act, but he shall not be entitled to any return of contributions or to any benefits in respect of his contributions other than that annuity;

(d.) On his attaining the age of sixty-five years, or on any later date at which his certificate expires, if he has contributed to the deferred annuity fund in accordance with this Act, and his years of recorded service (*b*) are not less than half the number of years which have elapsed since he became certificated, the Treasury may grant to him, out of moneys provided by Parliament, an annual superannuation allowance calculated at the rate of ten shillings for each complete year of recorded service.

(3.) If at any time the Education Department (*a*) find that the average salaries of the certificated teachers calculated in the prescribed manner exceed by ten per cent., in the case of men one hundred and nineteen pounds thirteen shillings and threepence, or in the case of women seventy-six pounds eleven shillings and ninepence per annum, they shall certify accordingly to the Treasury, and the Treasury may by warrant, in the case of either sex, increase the rate of contribution to the deferred annuity fund under this Act by an amount not exceeding five shillings a year for each full ten per cent. of the excess.

(4.) Any such certificate may be given and warrant made from time to time, and if in any year the Education Department (*a*) consider that the average emoluments have been so reduced as no longer to justify any increase of contribution made by any such

(*a*) Now Board of Education : Board of Education Act, 1899, sect. 2 (1).

(*b*) For definition of this see sub-sect. (5).

warrant, they may certify the same to the Treasury, and the Treasury may cancel their warrant accordingly.

(5.) "Recorded service" for the purposes of this Act shall be such service in the capacity of certificated teacher in a public elementary school, not being an evening school, as is recorded by the Education Department (*a*), and may include such service as is so recorded in the capacity, within the meaning of the Education Code, either of a teacher in a training college, or of organising teacher, or of teacher of a central class for pupil teachers, or in such other capacity in or connected with public elementary schools as may be for the time being prescribed, or in the capacity of a certificated teacher in a certified reformatory or industrial school; but no service after the teacher attains the age of sixty-five years, shall be recorded service for the purpose either of contribution to the deferred annuity fund, or of determining the amount of any allowance under this Act.

Allowances to incapacitated teachers.

2.—(1.) Where a teacher satisfies the Treasury in the prescribed manner that he—

(a.) has served a number of years of recorded service not less than ten and not less than half the years which have elapsed since he became certificated; and

(b.) has not at the date of the application been for more than the prescribed time unemployed in recorded service; and

(c.) has become permanently incapable, owing to infirmity of mind and body, of being an efficient teacher in a public elementary school; and

(d.) is not excluded by the prescribed disqualifications;

the Treasury may, subject to the prescribed conditions and to the provisions of this Act, grant to such teacher out of moneys provided by Parliament an annual allowance (in this Act called "a disablement allowance") not exceeding—

(a.) If the teacher is a man, twenty pounds for ten complete years of recorded service, with the addition of one pound for each complete additional year of recorded service; and

(b.) if the teacher is a woman, fifteen pounds for ten complete years of recorded service, with the addition of thirteen shillings and fourpence for each complete additional year of recorded service; and

(c.) in any case, the total annual sum which the teacher might obtain from an annuity and superannuation allowance under this Act by continuing to serve until the age of sixty-five years.

(2.) If the grantee of a disablement allowance attains the age of sixty-five years, any annuity which would otherwise be payable to the grantee out of the deferred annuity fund shall, except where the allowance has ceased by reason of the grantee being again employed

(*a*) Now Board of Education: Board of Education Act, 1899, sect. 2 (1).

as a teacher in recorded service, be paid to the Treasury and applied as they direct towards the payment of disablement allowances, and, in that case, the Treasury shall not award any superannuation allowance to the grantee.

(3.) A disablement allowance shall be reconsidered by the Treasury at intervals not exceeding three years; and the rules shall provide for the suspension, cessation, or reduction of the allowance in whole or in part, if the prescribed conditions are not complied with or the prescribed disqualifications apply, and those disqualifications shall deal with the cases of persons who have caused or increased their infirmity by their own misconduct or default, or who marry or cease to be incapable, or become in such a position as not to be in pecuniary need of the allowance.

Collection of contributions and deferred annuity fund arising therefrom.

3.—(1.) The contributions under this Act from certificated teachers shall be paid to the Education Department (*a*) at the prescribed time and in the prescribed manner by the teachers or their employers; and the receipt of the Education Department (*a*) for the amount of a contribution paid by the employer of a teacher shall be a good discharge for the like amount of remuneration otherwise payable to the teacher.

(2.) The contributions so received by the Education Department (*a*) shall be paid to the National Debt Commissioners, and be invested by them so as to form a fund, in this Act referred to as "the deferred annuity fund."

(3.) The National Debt Commissioners shall pay out of the fund to the Treasury the sums required by the Treasury for the payment of annuities under this Act, but otherwise shall invest the contributions, and all income of the fund for the time being, in any securities in which money held by the Commissioners on account of savings banks may be invested.

(4.) Separate subsidiary funds shall be kept in respect of the contributions and annuities of men and women teachers respectively, and any part of the assets of one subsidiary fund may be used for meeting the liabilities of the other, and in that case the amount lent by the one to the other shall be a debt bearing interest at the rate used for the computation of the tables for the time being in force under this Act.

(5.) A return showing the state of the fund at the end of every financial year, distinguishing the said accounts, shall be annually laid before Parliament.

(6.) At the end of every seven years an actuarial inquiry into and report upon the assets and liabilities of the fund shall be made under the direction of the Treasury and the Education Department (*a*), and the report shall be laid before Parliament.

Tables of deferred annuities.

4.—(1.) The Treasury shall cause tables to be constructed, showing the amount of annuity payable out of the deferred annuity

(*a*) Now Board of Education: Board of Education Act, 1899, sect. 2 (1).

fund to men and women teachers respectively in respect of the contributions made by them from time to time under this Act, and so framed as to secure the fund against loss.

(2.) If it appears from any actuarial report under this Act that the assets and liabilities of either account of the fund are such as either to require a reduction or to justify an increase of the annuities, the Treasury may cause fresh tables to be constructed, and those tables, when approved by the Treasury, shall come into force and shall be laid before Parliament, and the former tables shall cease to be in force, and so on from time to time as occasion requires.

Application of Act to existing teachers.

5. With respect to the application of this Act to certificated teachers who became certificated before the commencement of this Act (in this Act referred to as "existing teachers") the following provisions shall have effect:—

(1.) The Education Department(*a*) shall, in the prescribed manner, give to each existing teacher the option, within the prescribed time, not being more than one year after the commencement of this Act, of accepting, in the prescribed manner, this Act.

(2.) If an existing teacher does not so accept this Act, it shall not apply to him. If an existing teacher does so accept this Act, it shall apply to him with the following modifications; that is to say:—

(a.) The rate of ten shillings upon which the superannuation allowance is calculated may be augmented in the case of a man by threepence, and in the case of a woman by twopence, for each complete year of recorded service served before the commencement of this Act;

(b.) If the teacher has at the date of the acceptance attained the age of sixty-five years or any greater age, and has served in recorded service throughout the seven years next before the commencement of this Act, the provisions with respect to the expiration of the certificate shall apply as if the date of the acceptance were substituted for the date at which the teacher attained the age of sixty-five years;

(c.) If the teacher has not at the date of the acceptance attained the said age, he must serve in recorded service after the commencement of this Act, and where, during any part of the seven years next before the commencement of this Act, he was not in recorded service, the duration of the recorded service after the commencement of this Act must not be less than the said part of the seven years.

(3.) Nothing in this section shall authorise the grant of any allowance to any teacher who at the commencement of this Act is in receipt of a pension out of moneys provided by Parliament for the service of education.

(*a*) Now Board of Education: Board of Education Act, 1899, sect. 2 (1).

Rules.

6.—(1.) The Treasury and the Education Department (*a*) may make rules for carrying into effect this Act, and shall provide thereby—

(a.) for permitting certificated teachers to pay contributions to deferred annuity fund during any interval not exceeding six months in which they are not employed in recorded service, and for reckoning the time in respect of which such contributions are made as if it were recorded service;

(b.) for the application of an annuity or allowance under this Act when payable to a person who is of unsound mind, or otherwise incapable of giving a receipt;

(c.) for the suspension of all or any part of an allowance when the grantee is wholly or partly maintained out of any public money; and

(d.) for the payment of any sum under one hundred pounds due on the death of a person without the production of probate or other proof of the title of the personal representative of such person.

(2.) All rules made under this section shall be laid, as soon as may be, before both Houses of Parliament.

Decision of Treasury and Education Department.

7. Any question which arises as to the application of any section of this Act to any person, or as to the amount of any annuity or allowance under this Act, or as to the grant, refusal, suspension or cessation of any such allowance, shall be referred to the Treasury, and any question as to the reckoning of any service for any purpose of this Act shall be referred to the Education Department (*a*), and the decision of the Treasury or Education Department (*a*) on any question so referred shall be final.

Forfeiture for misconduct.

8.—(1.) Where the certificate of a teacher is suspended or cancelled by the Education Department (*a*), the teacher shall not be entitled to any disablement allowance under this Act, unless the certificate is restored by the Department (*a*).

(2.) Where the Education Department (*a*) certify to the Treasury that a recipient of any superannuation allowance, or disablement allowance under this Act, has been proved to them to have been guilty of any act or conduct which, if he had continued to serve as a teacher, would have justified them in suspending or cancelling his certificate, the Treasury shall suspend or determine the allowance in whole or in part.

As to payment and assignment of annuities and allowances.

9.—(1.) Every annuity and allowance under this Act shall be payable quarterly at such times and payable and apportionable in such manner as the Treasury may fix.

(2.) Every assignment of or charge on, and every agreement to assign or charge, any annuity or allowance to a teacher under this Act, whether payable presently or at some future date, shall be void, and on the bankruptcy of the teacher the annuity or allowance

(*a*) Now Board of Education: Board of Education Act, 1899, sect. 2 (1).

shall not pass to any trustee or other person acting on behalf of the creditors, but this provision shall be without prejudice to any order of the Court made under section fifty-three of the Bankruptcy Act, 1883, or any corresponding enactment in Scotland or Ireland.

46 & 47 Vict. c. 52.

Punishment for fraud and personation.

10. If any person—

(a.) for the purpose of obtaining for himself or any other person any annuity or allowance under this Act, personates any person, or makes any false certificate, false representation, or false statement, or makes use of any false certificate or document, false representation, or false statement, knowing the same to be false; or

(b.) by means of any such false certificate, document, representation, or statement, or by other fraudulent means, or by any personation, obtains or attempts to obtain for himself or any other person any annuity or allowance under this Act,

he shall on conviction on indictment be liable to imprisonment, with or without hard labour, for a term not exceeding two years, and on summary conviction be liable to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding twenty-five pounds, and any penalty under this section may be in addition to any suspension or determination of his allowance under this Act.

For the purposes of this section the obtaining of an annuity or allowance includes the increase of any annuity or allowance, and the prevention or rescission of any cessation or suspension of an annuity or allowance, and the obtaining of any sum in respect of any annuity or allowance.

Definitions.

11. In this Act, unless the context otherwise requires—

The expression "certificated teacher" means a teacher who is recognised under the Education Code as a certificated teacher for public elementary schools:

The expression "certificate" includes any document issued by the Education Department (*a*), which recognises a teacher as a certificated teacher:

The expression "Education Code" means such minutes of the Education Department (*a*) as are for the time being in force for the purpose of the Elementary Education Act, 1870:

33 & 34 Vict. c. 75.

The expression "prescribed" means prescribed by rules under this Act.

Application to Scotland.

12. In the application of this Act to Scotland, the following provisions shall have effect:—

(1.) The expression "Education Department" (*a*) means the Scotch Education Department, and the expression "Education Code" means the Scotch Education Code:

(2.) The expression "public elementary school" means a public or other school in receipt of annual parliamentary grant:

(*a*) Now Board of Education: Board of Education Act, 1899, sect. 2 (1).

(3.) Section one hundred and forty-nine of the Bankruptcy (Scotland) Act, 1856, shall be substituted for section fifty-three of the Bankruptcy Act, 1883: 19 & 20 Vict. c. 79.

(4.) The Education (Scotland) Act, 1872, shall be substituted for the Elementary Education Act, 1870: 35 & 36 Vict. c. 62.

(5.) Nothing contained in or done under this Act shall apply to or affect any teacher of a public school in Scotland appointed before the passing of the Education (Scotland) Act, 1872, unless the teacher has accepted this Act in pursuance of the provisions of section five hereof:

(6.) It shall not be lawful for a school board in Scotland to grant under the powers conferred by section sixty-one of the Education (Scotland) Act, 1872, a retiring allowance payable out of the school fund to any teacher of a public school under their management who has accepted this Act in pursuance of the provisions of section five hereof, or to whom this Act otherwise applies.

13. This Act shall not extend to Ireland. Extent of Act.

14. This Act shall come into operation on the first day of April next after the passing thereof, or on such day, not more than three months later, as may be fixed by Her Majesty in Council. Commencement of Act.

15. This Act may be cited as the Elementary School Teachers (Superannuation) Act, 1898. Short title.

BOARD OF EDUCATION ACT, 1899.

62 & 63 VICT. C. 33.

ARRANGEMENT OF SECTIONS.

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An Act to provide for the Establishment of a Board of Education for England and Wales, and for matters connected therewith.

[*9th August*, 1899.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1.) There shall be established a Board of Education charged with the superintendence of matters relating to education in England and Wales. Establishment of Board of Education.

(2.) The Board shall consist of a President, and of the Lord President of the Council (unless he is appointed President of the Board), Her Majesty's Principal Secretaries of State, the First Commissioner of Her Majesty's Treasury, and the Chancellor of Her Majesty's Exchequer (*a*).

(3.) The existing Vice-President of the Committee of the Privy Council on Education shall also be a member of the Board, but on the next vacancy in his office the office shall be abolished, and the enactments mentioned in the schedule to this Act shall be repealed.

(4.) The President of the Board shall be appointed by Her Majesty, and shall hold office during Her Majesty's pleasure.

(5.) The Board shall be deemed to be established on the appointment of the President thereof (*b*).

Duties and powers of Board of Education.

2.—(1.) The Board of Education shall take the place of the Education Department (including the Department of Science and Art), and all enactments and documents shall be construed accordingly.

(2.) It shall be lawful for Her Majesty in Council, from time to time, by Order, to transfer to, or make exerciseable by, the Board of Education any of the powers of the Charity Commissioners (*c*) or of the Board of Agriculture (*d*) in matters appearing to Her Majesty to relate to education, and the Order may make such provision as appears necessary for applying to the exercise of those powers by the Board of Education the enactments relating to the Charity Commissioners or to the Board of Agriculture.

Provided that any question as to whether an endowment or any part of an endowment is held for or ought to be applied to educational purposes shall be determined by the Charity Commissioners.

Inspection of secondary schools.

3.—(1.) The Board of Education may by their officers, or, after taking the advice of the Consultative Committee herein-after mentioned, by any University or other organisation, inspect any school supplying secondary education and desiring to be so inspected,

(*a*) The Board consists at present (March, 1903) of:—The Marquis of Londonderry (President), the Duke of Devonshire (Lord President of the Council), Lord Lansdowne, Lord George Hamilton, Mr. Chamberlain, the Hon. St. John Brodrick, Mr. Akers-Douglas, Mr. Arthur Balfour, and Mr. Ritchie.

(*b*) The first President was appointed 3rd March, 1900.

(*c*) See the Orders in Council dated respectively 7th Aug., 1900; 24th July, 1901; 11th Aug., 1902, pp. 452, 455, 457.

(*d*) Under the Board of Agriculture Act, 1889, sect. 2, the Board of Agriculture was empowered to undertake the inspection of, and reporting on, any schools which are not public elementary schools, and in which technical instruction, practical or scientific, is given in any matter connected with agriculture or forestry, and the aiding of any school which admits such inspection, and in the judgment of the Board is qualified to receive such aid, and the aiding of any system of lectures or instruction connected with agriculture or forestry, and the inspection of and reporting on any examinations in agriculture or forestry.

for the purpose of ascertaining the character of the teaching in the school and the nature of the provisions made for the teaching and health of the scholars, and may so inspect the school on such terms as may be fixed by the Board of Education with the consent of the Treasury: Provided that the inspection of schools established by scheme under the Welsh Intermediate Education Act, 1889, shall, subject to regulations made by the Treasury under section nine of that Act, be conducted as heretofore by the Central Welsh Board for Intermediate Education, and that the said Board shall be recognised as the proper organisation for the inspection of any such schools as may be desirous of inspection under this section (*a*). 52 & 53 Vict. c. 40.

(2.) The council of any county or county borough may out of any money applicable for the purposes of technical education (*b*) pay or contribute to the expenses of inspecting under this section any school within their county or borough.

Consultative committee.

4. It shall be lawful for Her Majesty in Council, by Order (*c*), to establish a Consultative Committee consisting, as to not less than two-thirds, of persons qualified to represent the views of Universities and other bodies interested in education, for the purpose of—

(a.) framing, with the approval of the Board of Education, regulations for a register of teachers, which shall be formed and kept in manner to be provided by Order in Council (*d*): Provided that the register so formed shall contain the names of the registered teachers arranged in alphabetical order, with an entry in respect to each teacher showing the date of his registration, and giving a brief record of his qualifications and experience; and

(b.) advising the Board of Education on any matter referred to the committee by the Board.

Orders to be laid before Parliament.

5. The draft of any Order proposed to be made under this Act shall be laid before each House of Parliament for not less than four weeks during which that House is sitting, before it is submitted to Her Majesty in Council.

Staff, remuneration, and expenses.

6.—(1.) The Board of Education may appoint such secretaries, officers and servants as the Board may, with the sanction of the Treasury, determine.

(2.) There shall be paid, out of moneys provided by Parliament, to the President of the Board, unless he holds another salaried office, such annual salary not exceeding two thousand pounds, and to the secretaries, officers and servants of the Board such salaries or remuneration, as the Treasury may determine.

Style, seal, and proceedings of Board of Education.

7.—(1.) The Board of Education may sue and be sued and may for all purposes be described by that name.

(*a*) See p. 112.
(*b*) As to this see p. 167.
(*c*) See Order in Council, p. 459.
(*d*) See Orders in Council, pp. 461—473.

(2.) The Board shall have an official seal, which shall be officially and judicially noticed, and that seal shall be authenticated by the signature of the President or some member of the Board, or of a secretary, or of some person authorised by the President or some member of the Board to act on behalf of a secretary.

(3.) Every document purporting to be an instrument issued by the Board of Education, and to be sealed with the seal of the Board, authenticated in manner provided by this Act, or to be signed by a secretary or any person authorised by the President or some member of the Board to act on behalf of a secretary, shall be received in evidence, and be deemed to be such an instrument without further proof, unless the contrary is shown.

(4.) A certificate signed by the President or any member of the Board of Education that any instrument purporting to be made or issued by the President or some member or the Board is so made or issued shall be conclusive evidence of the fact.

Power for President or secretary to sit in Parliament.
30 & 31 Vict. c. 102.
31 & 32 Vict. c. 48.
31 & 32 Vict. c. 49.
31 & 32 Vict. c. 72.

8.—(1.) The office of President of the Board of Education shall not render the person holding it incapable of being elected to, or of voting in, the Commons House of Parliament, and shall be deemed to be an office included in Schedule H. of the Representation of the People Act, 1867; in Schedule II. of the Representation of the People (Scotland) Act, 1868; in Schedule E. of the Representation of the People (Ireland) Act, 1868; and in Part I. of the Schedule of the Promissory Oaths Act, 1868.

(2.) After the abolition of the office of the Vice-President of the Committee of the Privy Council on Education, one of the secretaries of the Board of Education shall not by reason of his office be incapable of being elected to or of voting in the Commons House of Parliament.

Extent, commencement, and short title.

9.—(1.) This Act shall not extend to Scotland or Ireland.

(2.) This Act shall come into operation on the first day of April one thousand nine hundred.

(3.) This Act may be cited as the Board of Education Act, 1899.

SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
19 & 20 Vict. c. 116.	The Education Department Act, 1856.	The whole Act.
21 & 22 Vict. c. 97.	The Public Health Act, 1858.	In section seven the words "the Vice-President of the Committee of the said Privy Council on Education being one of them."

YOUTHFUL OFFENDERS ACT, 1901.

1 EDW. 7, c. 20.

An Act to amend the Law relating to Youthful Offenders and for other purposes connected therewith. [17*th August*, 1901.

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Removal of disqualifications attaching to felony. 50 & 51 Vict. c. 25. 42 & 43 Vict. c. 49. 29 & 30 Vict. c. 118.

1.—Where a child or young person having been convicted of felony is discharged in accordance with section sixteen of the Summary Jurisdiction Act, 1879, or the Probation of First Offenders Act, 1887, or otherwise, or is punished with whipping only, the conviction shall not be regarded as a conviction of felony for the purposes of section fifteen of the Industrial Schools Act, 1866, or of any disqualification attaching to felony.

Liability of parent or guardian in case of offence committed by child or young person.

2.—(1.) Where a child or young person is charged with any offence for the commission of which a fine, damages, or costs, may be imposed upon him by a court of summary jurisdiction, and there is reason to believe that his parent or guardian has conduced to the commission of the alleged offence by wilful default or by habitually neglecting to exercise due care of him, the court may, on information, issue a summons against the parent or guardian to the child or young person charging him with so contributing to the commission of the offence.

(2.) A summons to the child or young person may include a summons to the parent or guardian.

(3.) The charge against the child or young person and the charge against the parent or guardian may be heard together, and for that purpose the proceedings against the child or young person may be adjourned.

(4.) When, after hearing the case, any fine, damages, or costs are imposed upon the child or young person, and the court is satisfied that his parent or guardian has conduced to the commission of the offence by wilful default or by habitually neglecting to exercise due care of him, the court may order that the fine, damages, or costs shall be paid by the parent or guardian instead of by the child or young person, and may also order the parent or guardian to give security for the good behaviour of the child or young person.

(5.) Any sums so imposed and ordered to be paid may be recovered from the parent or guardian by distress or imprisonment in manner provided by section twenty-one of the Summary Jurisdiction Act, 1879.

(6.) A parent or guardian may appeal against an order made under this section to a court of quarter sessions.

(7.) Where a parent or guardian is ordered by the court to pay fine, damages, or costs, or to give security for the good behaviour of the child or young person, no further charge under this Act shall be brought against the parent or guardian in respect of any wilful default or habitual neglect to exercise due care of such child or young person prior to the making of such order, without prejudice to the liability of the parent or guardian for any subsequent wilful default or habitual neglect in respect of the same child or young person.

Limitation of costs.

3.—Where a child or young person is ordered by a court of summary jurisdiction to pay costs in addition to a fine, the amount of the costs so ordered to be paid shall in no case exceed the amount of the fine, and, except so far as the court may think fit to expressly order otherwise, all fees payable or paid by the informant in excess of the amount of costs so ordered to be paid shall be remitted or repaid to him, and the court may also order the fine or any part thereof to be paid to the informant in or towards the payment of his costs.

Remand or committal to place other than prison.

4.—(1.) A court of summary jurisdiction, on remanding or committing for trial any child or young person, may, instead of committing him to prison, remand or commit him into the custody of any fit person named in the commitment who is willing to receive him (due regard being had, where practicable, to the religious persuasion of the child), to be detained in that custody for the period for which he has been remanded, or until he is thence delivered by due course of law, and the person so named shall detain the child or young person accordingly, and if the child or young person escapes he may be apprehended without warrant and brought back to the custody in which he was placed.

(2.) The court may also exercise the like powers pending any inquiry concerning a child under section nineteen of the Industrial Schools Act, 1866.

29 & 30 Vict. c. 118.

(3.) The court may vary or revoke the remand or commitment, and if it is revoked the child or young person may be committed to prison.

(4.) The council of any county or borough or a school board may defray the whole or any part of the expenses of the maintenance of children and young persons in custody under this section.

(5.) Where a court makes an order under this section the court may make an order on the parent or other person legally liable to maintain the child or young person, requiring that parent or person to pay, as a contribution towards the cost of maintaining the child or young person, such sum, not exceeding five shillings a week, as the court may think fit, during the whole or any part of the time of his custody. The payment shall be made to the inspector of reformatory and industrial schools, or to a constable or other person authorised by the inspector to receive the payment, and the

money paid shall be applied under the direction of the Treasury towards the expenses incurred under this section.

(6.) There shall be paid, out of moneys provided by Parliament, towards the cost of maintaining any child or young person when in custody under this section, such contribution as may be fixed by regulations made by the Secretary of State with the approval of the Treasury.

(7.) Where a child or young person is placed in the custody of a fit person under this section, payments shall be made from the police fund of the place to which the child or young person is sent for his maintenance, in accordance with the regulations made by the Secretary of State, but the police fund shall be repaid through the inspector of reformatory and industrial schools out of the contribution so fixed.

Extension of power to commit to industrial school.

5. A court of assize or quarter sessions may exercise the like power of committing a child to an industrial school as may be exercised by two justices or a magistrate under section fifteen of the Industrial Schools Act, 1866 (*a*), and the provisions of that Act shall be construed accordingly.

Recovery of expenses of maintenance from parent or person legally liable.

29 & 30 Vict. c. 117.

29 & 30 Vict. c. 118.

6.—(1.) Where a court of summary jurisdiction makes an order that a child or young person be sent to a certified reformatory or industrial school, the court may make at the same time such order for a contribution to his support and maintenance on his parent, or other person legally liable to maintain him, as may be made by justices or a magistrate under sections twenty-five and twenty-six of the Reformatory Schools Act, 1866, or under section forty of the Industrial Schools Act, 1866, or under any local Act relating to reformatory or industrial schools, and thereupon, subject to the provisions of this Act, those enactments shall apply as if the order had been made on a complaint thereunder.

(2.) An order made on complaint under any of those enactments may be enforced as an order of affiliation.

(3.) A certificate purporting to be under the hand of the inspector or an assistant inspector of reformatory and industrial schools, or in the case of a day industrial school of the superintendent of such school or an officer of the managers, or of the superintendent of the school in the case of any school established under a local Act, stating that any sum due from a parent or other person for the maintenance of a child or young person is overdue and unpaid shall be evidence of the facts stated therein.

(4.) Where a parent or other person has been ordered under this section or under any of the enactments mentioned therein to contribute to the support and maintenance of a child or young person, he shall give notice of any change of address to the inspector of reformatory and industrial schools or his agent, or in

(*a*) See the Act, p. 357.

the case of any such school established under a local Act to the superintendent of the school, or in the case of a day industrial school to the superintendent of such school or an officer of the managers, and if he fails to do so, without reasonable excuse, he shall be liable on summary conviction to a fine not exceeding two pounds.

Appeals against orders for maintenance.

7.—(1.) Where an order is made under this Act on a parent or other person liable to maintain a child or young person, the order shall be served in the prescribed manner on the person on whom it is made, and shall be binding on him unless he makes an application against it within the prescribed time to the court on the ground either that he is not legally liable to maintain the child or young person, or that he is unable to contribute the sum specified in the order.

(2.) The court may confirm the order with or without modifications, or may rescind it.

(3.) Any such order may be enforced as an order of affiliation.

Contributions by county councils.

8. A county council which has contributed to the support of a child or young person in a reformatory or industrial school may contribute to the ultimate disposal of the child or young person.

Contracts with school managers for weekly payments.

9. Where a local authority acting in pursuance of the Acts relating to reformatory or industrial schools, or the Elementary Education Acts, 1870 to 1900, agree to contribute a weekly payment towards the maintenance of any child in any reformatory or industrial school, the requirements of the first proviso to section twelve of the Industrial Schools Act, 1866, and section twenty-eight of the Reformatory Schools Act, 1866, and of section fourteen of the Elementary Education Act, 1873 (relating to previous notice of intention to contribute) shall not apply to such contribution.

36 & 37 Vict. c. 86.

Rules.

42 & 43 Vict. c. 49.

10. The power to make rules under section twenty-nine of the Summary Jurisdiction Act, 1879, shall extend to making rules for regulating the procedure under this Act, and for prescribing anything which may under this Act be prescribed.

Definitions.

11. In this Act the expressions "child," "young person," and "guardian" have respectively the same meanings as in the Summary Jurisdiction Act, 1879, except that the expression "guardian" includes the guardian of a young person as well as the guardian of a child.

Power of court in Scotland to discharge youthful offender without punishment.

12. In Scotland, if upon the hearing of a charge against a child or young person for an offence punishable on summary conviction under any Act, whether past or future, the court think that though the charge is proved the offence was in the particular case of so trifling a nature that it is inexpedient to inflict any punishment or any other than a nominal punishment, the court, without proceeding to conviction, may dismiss the charge, and if the court think fit may order the person charged to pay such damages not

exceeding forty shillings, and such costs, or either of them, as the court think reasonable.

Register of convictions of youthful offenders in Scotland.

13.—(1.) In Scotland, in addition to any other register required by law, a separate register of convicted youthful offenders shall be kept for every summary court by the chief constable or other person charged with the duty of keeping registers of convictions.

(2.) This register shall apply to offenders of such age, and shall include such particulars, as may be directed by the Secretary for Scotland.

(3.) It shall be the duty of the keeper of the register, within three days after each conviction of an offender under fourteen years of age recorded therein, to transmit a copy of the entry relating to the offender to the clerk of the school board for the burgh or parish in which the offender resides.

Extension of 47 & 48 Vict. c. 19, s. 5.

14. Section five of the Summary Jurisdiction Over Children (Ireland) Act, 1884 (which gives power to deal summarily with young persons by consent), shall extend to all indictable offences other than homicide, and accordingly in that section for the words "specified in the schedule to this Act" shall be substituted the words "other than homicide."

Application to Ireland of 56 & 57 Vict. c. 48, and 57 & 58 Vict. c. 33. 31 & 32 Vict. c. 59.

15.—(1.) In the application to Ireland of the Reformatory Schools Act, 1893, for section four of that Act the following provision shall be substituted:—

"Section twelve of the Irish Reformatory Schools Act, 1868, from the beginning of the section to the words 'and provided also that' is hereby repealed, and the said section shall be construed and have effect as if section one of this Act were substituted for the provisions of the said section hereby repealed."

(2.) The Industrial Schools Acts Amendment Act, 1894, shall extend to Ireland with the following modifications:—

31 & 32 Vict. c. 25.

(a.) The Industrial Schools Act (Ireland), 1868, shall be substituted for the Industrial Schools Act, 1866, and in particular sections twenty-one and twenty-seven of the former Act shall be substituted for sections twenty-seven and thirty-four respectively of the latter Act;

(b.) The Chief Secretary shall be substituted for the Secretary of State;

(c.) The passing of this Act shall be substituted for the passing of the said Act of 1894.

Application to Scotland.

16. This Act, except the provisions thereof relating exclusively to Ireland, shall extend to Scotland with the modifications following, namely:—

(a.) The Secretary for Scotland shall be substituted for the Secretary of State;

(b.) The High Court of Justiciary shall be substituted for the court of assize;

(c.) The county council or the town council of a burgh (including a police burgh) shall be substituted for the council of a county or borough;

27 & 38 Vict. c. 53.

(d.) Section thirty-three of the Summary Procedure (Scotland) Act, 1864, shall be substituted for section twenty-nine of the Summary Jurisdiction Act, 1879;

(e.) Theft shall be substituted for felony;

(f.) A decree for aliment shall be substituted for an order of affiliation;

(g.) The provision as to an appeal by a parent or guardian to quarter sessions shall not apply. But where a child or young person is charged before a court of summary jurisdiction other than a sheriff or stipendiary magistrate, and it appears to such court that proceedings under this Act should be taken against the parent or guardian of such child or young person, the court may remit the further proceedings in the case to the sheriff to be dealt with by him under this Act, and a court of summary jurisdiction other than a sheriff or stipendiary magistrate shall have no jurisdiction against the parent or guardian in respect of any offence constituted by this Act;

(h.) The words "under a warrant of poinding and sale, and in default of recovery of sufficient goods by," shall be substituted for the words "by distress, or" in sub-section five of section two of this Act;

44 & 45 Vict. c. 33.

(i.) Section eight of the Summary Jurisdiction (Scotland) Act, 1881, shall be substituted for section twenty-one of the Summary Jurisdiction Act, 1879.

Application to Ireland.

17. This Act, except the provisions thereof relating exclusively to Scotland, shall extend to Ireland, with the modifications following, namely:—

47 & 48 Vict. c. 19.

(1.) Save as herein-after mentioned the Summary Jurisdiction Over Children (Ireland) Act, 1884, shall be substituted for the Summary Jurisdiction Act, 1879, and in particular section seven of the former Act shall be substituted for section sixteen of the latter Act;

(2.) Section twenty-five of the Irish Reformatory Schools Act, 1868, shall be substituted for section twenty-one of the Summary Jurisdiction Act, 1879;

31 & 32 Vict. c. 25.

(3.) The Industrial Schools Act (Ireland), 1868, shall be substituted for the Industrial Schools Act, 1866, and in particular sections twelve, thirteen, and thirty of the former Act shall be substituted for sections nineteen, fifteen, and forty respectively of the latter Act;

31 & 32 Vict. c. 59.

(4.) The Irish Reformatory Schools Act, 1868, shall be substituted for the Reformatory Schools Act, 1866, and in particular sections twenty-three and twenty-four of the former Act

shall be substituted for sections twenty-five and twenty-six respectively of the latter Act;

(5.) An order for maintenance under this Act may be enforced in the manner provided by section twenty-five of the Irish Reformatory Schools Act, 1868;

(6.) The procedure regulating appeals under the Summary Jurisdiction Acts shall apply in the case of an appeal under section seven of this Act;

(7.) The Chief Secretary shall be substituted for the Secretary of State;

(8.) The Inspector and Assistant Inspector of Reformatory and Industrial Schools in Ireland shall be substituted for the Inspector and Assistant Inspector of Reformatory and Industrial Schools respectively;

(9.) Any reference to a school board or to an order of affiliation shall not apply;

(10.) Section nine (relating to contracts with school managers for weekly payments) shall not apply;

(11.) Payments required by this Act to be made from the police fund of a place shall be made by the police authorities of the district within which such place is situate, and those authorities shall be repaid in like manner as the said police fund;

(12.) For the provisions of this Act giving power to make rules under the Summary Jurisdiction Act, 1879, the following provision shall be substituted:—

"The Lord Chancellor of Ireland may make rules for regulating the procedure under this Act and for prescribing anything which may under this Act be prescribed, and all rules so made shall be laid as soon as may be before both Houses of Parliament."

18. This Act may be cited as the Youthful Offenders Act, 1901, and shall come into operation on the first day of January, nineteen hundred and two. **Short title and commencement.**

FACTORY AND WORKSHOP ACT, 1901.

1 EDW. 7, C. 22.

* * * * * *

62. A child under the age of twelve years must not be employed in a factory or workshop unless lawfully so employed at the commencement of this Act. **Prohibition of employment of children under twelve.**

* * * * * *

PART III.—EDUCATION OF CHILDREN.

68.—(1.) The parent (*a*) of a child (*a*) employed in a factory or workshop shall cause that child to attend some recognised **Attendance at school of children**

(*a*) For definition of parent and child, see sect. 161, *infra*.

employed in factory or workshop.

efficient school (which school may be selected by the parent), as follows:—

(a.) The child, when employed in a morning or afternoon set, must in every week, during any part of which he is so employed, be caused to attend on each work day for at least one attendance; and

(b.) The child, when employed on the alternate day system, must on each work day preceding each day of employment be caused to attend for at least two attendances;

(c.) An attendance for the purposes of this section shall be an attendance as defined for the time being by the Secretary of State with the consent of the Board of Education, and be between the hours of eight in the morning and six in the evening:

Provided as follows:—

(i.) A child shall not be required by this Act to attend school on Saturday or on any holiday or half holiday allowed under this Act in the factory or workshop in which the child is employed:

(ii.) The non-attendance of a child shall be excused on every day on which he is certified by the teacher of the school to have been prevented from attending by sickness or other unavoidable cause, and when the school is closed during the ordinary holidays or for any other temporary cause:

(iii.) Where there is not within the distance of two miles, measured according to the nearest road, from the residence of the child, a recognised efficient school which the child can attend, attendance at a school temporarily approved in writing by an inspector, although not a recognised efficient school, shall for the purposes of this Act be deemed attendance at a recognised efficient school until such recognised efficient school as aforesaid is established, and with a view to such establishment the inspector shall immediately report to the Board of Education every case of the approval of a school by him under this section.

(2.) A child who has not in any week attended school for all the attendances required by this section must not be employed in the following week until he has attended school for the deficient number of attendances.

(3.) The Board of Education shall, by the publication of lists or of notices or otherwise as they think expedient, provide for giving to all persons interested information of the schools in each school district which are recognised efficient schools.

Obtaining of school

69.—(1.) The occupier of a factory or workshop in which a child is employed shall on Monday in every week (after the first week

in which the child began to work therein), or on some other day appointed for that purpose by an inspector, obtain from the teacher of the recognised efficient school attended by a child a certificate (according to the prescribed form and directions) respecting the attendance of the child at school in accordance with this Act. attendance certificate by occupier.

(2.) If a child is employed without such certificate being obtained as is required by this section, the child shall be deemed to be employed contrary to the provisions of this Act.

(3.) The occupier shall keep every such certificate for two months after the date thereof, if the child so long continues to be employed in his factory or workshop, and shall produce the same to an inspector when required during that period.

70. The persons who manage a recognised efficient school attended by a child employed in a factory or workshop, or some person authorised by them may (if fees for children may be charged in that school (*a*)) apply in writing to the occupier of the factory or workshop to pay a weekly sum specified in the application, not exceeding threepence and not exceeding one-twelfth part of the wages of the child, and after that application the occupier, so long as he employs the child, shall be liable to pay to the applicants, while the child attends their school, that weekly sum, and the sum may be recovered as a debt, and the occupier may deduct the sum so paid by him from the wages payable for the services of the child. Payment by occupier of sum for schooling.

71. (1.) When a child of the age of thirteen years has obtained from a person authorised by the Board of Education a certificate of having attained such standard of proficiency in reading, writing, and arithmetic, or such standard of previous due attendance at a certified efficient school as is mentioned in this section, that child shall be deemed to be a young person for the purposes of this Act. Employment as young person of child of 13 on obtaining educational certificate.

(2.) The standards of proficiency and due attendance for the purposes of this section shall be such as may be from time to time fixed for the purposes of this Act by the Secretary of State, with the consent of the Board of Education (*b*), and the standards so

(*a*) See E. Act, 1902, sect. 4, pp. 137, 278, and E. E. Act, 1891, pp. 132, 251.

(*b*) Order of the Secretary of State made under the Factory and Workshop Act, 1878, dated December 19th, 1900, assented to by Board of Education, December 31st, 1900, prescribing standards of proficiency and of previous due attendance (England and Wales), it is provided :—

(a.) The standard of proficiency for the purpose of a certificate of proficiency to be given to any child shall be the Fifth Standard of reading, writing, and arithmetic, as fixed by the Code in force for the time being, or any higher standard which may be attained by the child.

Certificates of proficiency may be granted in the manner prescribed by sects. 4—8 of the Regulations of the Board of Education dated 23rd April, 1900.

(b.) The standard of previous due attendance at a certified efficient school for

fixed shall be published in the London Gazette, and shall not have effect until the expiration of at least six months after such publication.

(3.) Attendance at a certified day industrial school shall be deemed for the purposes of this section to be attendance at a certified efficient school (*a*).

Definitions of "certified efficient school," and "recognised efficient school."

72.—(1.) In this Act—

The expression "certified efficient school" means a public elementary school within the meaning of the Elementary Education Acts, 1870 to 1900, and any workhouse school in England certified to be efficient by the Local Government Board, and any elementary school which is not conducted for private profit and is open at all reasonable times to the inspection of His Majesty's inspectors of schools, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as are for the time being required by the Board of Education, and is certified by the Board to be an efficient school (*b*); and

The expression "recognised efficient school" means a certified efficient school, and any school which the Board of Education have not refused to take into consideration under the Elementary Education Act, 1870, as a school giving efficient elementary education to and suitable for the children of a school district (*c*), and which is recognised for the time being by an inspector under this Act as giving efficient elementary education.

33 & 34 Vict. c. 75.

(2.) An inspector shall immediately report to the Board of

the purpose of a certificate of previous due attendance shall, in the case of any child, be 350 attendances after such child has attained five years of age in not more than two schools during each year for five years, whether consecutive or not.

Certificates of previous due attendance at school may be granted in the manner prescribed by sects. 9—11 of the Regulations of the Board of Education dated 23rd April, 1900.

NOTE.—In districts where the byelaws made by the school authority under the Elementary Education Acts apply to children between 13 and 14 years of age, a child must also satisfy the conditions of total exemption prescribed by the byelaws before he can be legally employed full time in a factory or workshop.

The above order, although the Factory and Workshop Act, 1878, *was repealed by the Factory and Workshop Act,* 1901, *still continues in force by virtue of sect.* 161 *of the last-mentioned Act, which provides that all orders made or having effect under any enactment hereby repealed shall continue to have effect as if they had been made under this Act.*

(*a*) See p. 34.

(*b*) See p. 41.

(*c*) See D. S. C. 1903, Art. 86, p. 651.

Education every school recognised by him as giving efficient elementary education.

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Powers of inspectors.

119.—(1.) An inspector shall, for the purpose of the execution of this Act, have power to do all or any of the following things; namely,—

(a.) To enter, inspect, and examine at all reasonable times, by day and night, a factory and a workshop, and every part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory or workshop; and

(b.) To take with him in either case a constable into a factory or workshop in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty; and

(c.) To require the production of the registers, certificates, notices, and documents kept in pursuance of this Act, and to inspect, examine, and copy the same; and

(d.) To make such examination and inquiry as may be necessary to ascertain whether the enactments for the time being in force relating to public health and the enactments of this Act are complied with, so far as respects the factory or workshop and the persons employed therein; and

(e.) To enter any school in which he has reasonable cause to believe that children employed in a factory or workshop are for the time being educated; and

(f.) To examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory or workshop, or such a school as aforesaid, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory or workshop, and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined; and

(g.) To exercise such other powers as may be necessary for carrying this Act into effect.

(2.) The occupier of every factory and workshop, his agents and servants, shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry, or the exercise of his powers under this Act in relation to that factory or workshop.

(3.) If any person wilfully delays an inspector in the exercise of any power under this section, or fails to comply with the requisition of an inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, or conceals or prevents, or attempts to conceal

or prevent a woman, young person, or child, from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his duties under this Act:

Provided that no one shall be required under this section to answer any question or to give any evidence tending to criminate himself.

(4.) Where an inspector is obstructed in the execution of his duties under this Act, the person obstructing him shall be liable to a fine not exceeding five pounds; and where an inspector is so obstructed in a factory or workshop, other than a domestic factory or a domestic workshop, the occupier of that factory or workshop shall be liable to a fine not exceeding five, or where the offence is committed at night twenty, pounds; and where an inspector is so obstructed in a domestic factory or a domestic workshop, the occupier shall be liable to a fine not exceeding one pound, or where the offence is committed at night five pounds; and in the case of a second or subsequent conviction under this section in relation to a factory within two years from the last conviction for the same offence, a fine not less than one pound shall be imposed for each offence.

* * * * * *

Certificate of birth in case of young persons under 16 and children.

134.—Where the age of any young person under the age of sixteen years or child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the employment in labour or elementary education of the young person or child, any person shall on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Local Government Board (*a*), and on payment of a fee of sixpence, be entitled to obtain a certified copy under the hand of are gistrar or superintendent registrar of the entry in the register, under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of that young person or child; and such form of requisition shall on request be supplied without charge by every superintendent registrar and registrar of births, deaths, and marriages.

PART IX.—LEGAL PROCEEDINGS.

* * * * * *

Fine for employing persons contrary to Act.

137.—(1.) Where any person is employed in a factory or workshop, other than a domestic factory or a domestic workshop, contrary to the provisions of this Act, the occupier of the factory or workshop shall be liable to a fine not exceeding three, or if the offence was committed during the night five, pounds for each person so employed, and, in the case of a second or subsequent conviction in relation to a factory within two years from the last conviction for the same offence, not less than one pound for each offence; and

(*a*) For form see p. 595.

where any person is so employed in a domestic factory or a domestic workshop the occupier shall be liable to a fine not exceeding one, or if the offence was committed during the night two pounds, for each person so employed, and, in the case of a second or subsequent conviction within two years from the last conviction in relation to a factory for the same offence, not less than one pound for each offence.

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Fine for offence by parent.

138.—(1.) If a young person or child is employed in a factory or workshop contrary to the provisions of this Act, the parent of the young person or child shall be liable to a fine not exceeding twenty shillings for each offence, unless it appears to the court that the offence was committed without the consent, connivance, or wilful default, of the parent.

(2.) If the parent of a child neglects to cause the child to attend school in accordance with this Act, he shall be liable to a fine not exceeding twenty shillings for each offence.

Forgery of certificates, false entries, and false declarations.

139. If any person—

(a.) forges or counterfeits any certificate for the purposes of this Act (for the forgery or counterfeiting of which no other punishment is provided); or

(b.) gives or signs any such certificate knowing the same to be false in any material particular; or

(c.) knowingly utters or makes use of any certificate so forged, counterfeited, or false as aforesaid; or

(d.) knowingly utters or makes use of as applying to any person a certificate which does not so apply; or

(e.) personates any person named in a certificate; or

(f.) falsely pretends to be an inspector; or

(g.) wilfully connives at the forging, counterfeiting, giving, signing, uttering, making use, or personating as aforesaid; or

(h.) wilfully making a false entry in any register, notice, certificate, or document, required by this Act to be kept or served or sent; or

(i.) wilfully makes or signs a false declaration under this Act; or

(j.) knowingly makes use of any such false entry or declaration,

he shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months, with or without hard labour.

Fine on person actually committing offence for which occupier is liable.

140. Where an offence for which the occupier of a factory or workshop is liable under this Act to a fine has in fact been committed by some agent, servant, workman, or other person, that agent, servant, workman, or other person, shall be liable to the like fine as if he were the occupier.

Power of occupier to

141.—(1.) Where the occupier of a factory or workshop is

exempt himself from fine on conviction of the actual offender.

charged with an offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier of the factory or workshop proves to the satisfaction of the court—

(a.) that he has used due diligence to enforce the execution of this Act; and

(b.) that the said other person had committed the offence in question without his knowledge, consent, or connivance,

that other person shall be summarily convicted of the offence, and the occupier shall be exempt from any fine. The person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings.

(2.) When it is made to appear to the satisfaction of an inspector at the time of discovering an offence—

(a.) that the occupier of the factory or workshop has used all due diligence to enforce the execution of this Act; and

(b.) by what person the offence has been committed; and

(c.) that it has been committed without the knowledge, consent, or connivance of the occupier and in contravention of his orders,

the inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier of the factory or workshop.

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Limit to cumulative fines.

143. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger amount of fines than the highest fine fixed by this Act for the offence, except—

(a.) where the repetition of the offence occurs after an information has been laid for the previous offence; or

(b.) where the offence is one of employing two or more persons, contrary to the provisions of this Act.

Prosecution of offences and recovery and application of fines.

144.—(1.) All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered, on summary conviction, before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

(2.) A summary order may be made for the purposes of this Act by a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

(3.) All fines imposed in pursuance of this Act shall, save as otherwise expressly provided for by this Act, be paid into the Exchequer.

(4.) Where a proceeding is taken before a court of summary jurisdiction with respect to an offence against this Act alleged to be committed in or with reference to a factory or workshop, the occupier of the factory or workshop, and the father, son, or brother

of the occupier of the factory or workshop, shall not be qualified to act as a member of the court.

(5.) A person engaged in, or being an officer of any association of persons engaged in, the same trade or occupation as a person charged with any offence under this Act shall not act as a justice of the peace in hearing and determining the charge.

Appeal to quarter sessions.

145. If any person feels aggrieved by a conviction or order made by a court of summary jurisdiction on determining an information or complaint under this Act, he may appeal therefrom to quarter sessions.

Limitation of time and general provisions as to summary proceedings.

146. The following provisions shall have effect with respect to summary proceedings for offences and fines under this Act:—

(1.) The information shall be laid within three months after the date at which the offence comes to the knowledge of the inspector for the district within which the offence is charged to have been committed, or, in case of an inquest being held in relation to the offence, then within two months after the conclusion of the inquest, so, however, that it be not laid after the expiration of six months from the commission of the offence:

(2.) It shall be sufficient to allege that a factory or workshop is a factory or workshop within the meaning of this Act, without more:

(3.) It shall be sufficient to state the name of the ostensible occupier of the factory or workshop, or the title of the firm by which the occupier employing persons in the factory or workshop is usually known:

(4.) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction against which a person is authorised by this Act to appeal shall not be removed by certiorari or otherwise, either at the instance of the Crown or of any private person, into a superior court, except for the purpose of the hearing and determination of a special case.

Evidence in summary proceedings.

147.—(1.) If a person is found in a factory or workshop, except at meal times, or while all the machinery of the factory or workshop is stopped, or for the sole purpose of bringing food to the persons employed in the factory or workshop between the hours of four and five o'clock in the afternoon, he shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory or workshop:

Provided that yards, playgrounds, and places open to the public view, schoolrooms, waiting rooms, and other rooms belonging to the factory or workshop in which no machinery is used or manufacturing process carried on, shall not be taken to be any part of the factory or workshop within the meaning of this enactment; and this enactment shall not apply to a domestic factory or workshop.

(2.) Where a young person or child is, in the opinion of the court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the young person or child is not of that age.

(3.) A declaration in writing by a certifying surgeon for the district that he has personally examined a person employed in a factory or workshop in that district, and believes him to be under the age set forth in the declaration, shall be admissible in evidence of the age of that person.

(4.) A copy of a conviction for an offence against this Act purporting to be certified under the hand of the clerk of the peace having the custody of the conviction to be a true copy shall be receivable as evidence, and every such clerk of the peace shall, on the written request of an inspector and payment of a fee of one shilling, deliver to him a copy of the conviction so certified.

Service of notices and documents, &c.

148. Any notice, order, requisition, summons, and document, required or authorised to be served or sent for the purposes of this Act—

(a.) may be served and sent by post, or by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or (where he is the owner of a factory or workshop) by delivering the same or a true copy thereof to his agent, or (where he is the occupier of a factory or workshop) by delivering the same or a true copy thereof to his agent or to some person in the factory or workshop; and

(b.) Where it is required to be served on or sent to the occupier of a factory or workshop, shall be deemed to be properly addressed if addressed to the occupier of the factory or workshop at the factory or workshop, with the addition of the proper postal address, but without naming the person who is the occupier.

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General definitions.

156.—(1.) In this Act unless the context otherwise requires,—

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"Child."

The expression "child" means a person who is under the age of fourteen years, and who has not, being of the age of thirteen years, obtained the certificate of proficiency or attendance at school mentioned in Part III. of this Act:

* * * * * *

"Parent."

The expression "parent" means a parent or guardian of, or person having the legal custody of, or the control over, or having direct benefit from the wages of, a young person or child:

"Prescribed."

The expression "prescribed" means prescribed for the time being by the Secretary of State:

* * * * * *

"Young person."

The expression "young person" means a person who has ceased to be a child and is under the age of eighteen years:

* * * * * *

(iii.) *Repeal, &c.*

161. The Acts specified in the Seventh Schedule to this Act are hereby repealed as from the dates and to the extent in that schedule mentioned: Repeal of Acts.

Provided that—

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(2.) All orders and all special rules and requirements made or having effect under any enactment hereby repealed shall continue to have effect as if they had been made under this Act; and nothing in this Act shall be construed as altering the mode of making such special rules or requirements whilst the power to make them continues in force; and

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INDUSTRIAL SCHOOLS ACT, 1866.

29 & 30 VICT. c. 118.

An Act to consolidate and amend the Acts relating to Industrial Schools in Great Britain. [10*th August*, 1866.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the Industrial Schools Act, 1866. Short title.

2. This Act shall not extend to Ireland. Extent of Act.

3. [*Acts described in first schedule repealed.*—Repealed by Stat. Law Rev. Act, 1875.]

4. In this Act— Interpretation of terms.

The term "justice" applies to England only, and means a justice of peace having jurisdiction in the place where the matter requiring the cognizance of a justice arises:

The term "two justices" applies to England only, and means two or more justices in petty sessions, or the lord mayor or an alderman of the city of London, or a police or stipendiary magistrate or other justice having by law authority to act alone for any purpose with the powers of two justices:

The term "magistrate" applies to Scotland only, and includes sheriff, sheriff substitute, justice of the peace of a county, judge of a police court, and provost or baillie of a city or burgh:

The term "prison authority" with respect to England has the

28 & 29 Vict. c. 126.
23 & 24 Vict. c. 105.

same meaning as in the Prisons Act, 1865 (*a*), and with respect to Scotland means the administrators of a prison as defined by the Prisons (Scotland) Administration Act, 1860:

The term "parish" includes a place separately maintaining its own poor.

Industrial Schools.

Description of industrial schools and managers.

5. A school in which industrial training is provided, and in which children are lodged, clothed, and fed, as well as taught, shall exclusively be deemed an industrial school within the meaning of this Act.

The persons for the time being having the management or control of such a school shall be deemed the managers thereof for the purposes of this Act.

Inspector.

Inspector of industrial schools and assistant.

6. Such one of Her Majesty's Inspectors of Prisons as one of Her Majesty's principal Secretaries of State (in this Act referred to as the Secretary of State) from time to time thinks fit to appoint to be the inspector of reformatory schools shall be also the inspector of industrial schools.

The Secretary of State may from time to time appoint a fit person to assist the inspector; and every person so appointed shall have such of the powers and duties of the inspector of industrial schools as the Secretary of State from time to time prescribes, but shall act under the direction of the inspector.

(*a*) Sect. 5 of the Prison Act, 1865, provides as follows:—

The persons hereinafter named shall be prison authorities for the purposes of this Act; (that is to say,)

(1.) As respects any prison belonging to any county, except as hereinafter mentioned, or to any riding, division, hundred or liberty of a county, having a separate court of quarter sessions, the justices in quarter sessions assembled:

(2.) As respects any prison belonging to a county divided into ridings or divisions, and maintained at the common expense of such ridings or divisions, the justices of the county assembled at a court of gaol sessions held in manner provided by the Act of the fifth year of King George the Fourth, chapter twelve:

(3.) As respects any prison belonging to the city of London, or the liberties thereof, the courts of the lord mayor and aldermen:

(4.) As respects any prison belonging to a municipal borough, the council of the borough:

(5.) As respects any prison belonging to any district, liberty, city, borough or town having a separate prison jurisdiction, and not hereinbefore mentioned, the justices, council or other persons having power at law to build, enlarge or repair such prison, assembled at any gaol session or other formal meeting of their body.

Certified Industrial Schools.

Mode of certifying industrial schools.

7. The Secretary of State may, on the application of the managers of an industrial school, direct the inspector of industrial schools to examine into the condition of the school, and its fitness for the reception of children to be sent there under this Act, and to report to him thereon, and the inspector shall examine and report accordingly.

If satisfied with the report of the inspector the Secretary of State may, by writing under his hand, certify that the school is fit for the reception of children to be sent there under this Act, and thereupon the school shall be deemed a certified industrial school.

School not to be certified as industrial and reformatory.

8. A school shall not be at the same time a certified industrial school under this Act and a certified reformatory school under any other Act.

Notices of certificate to be gazetted.

9. A notice of the grant of each certificate shall within one month be inserted by order of the Secretary of State in the London or in the Edinburgh Gazette, according as the school to which it refers is in England or in Scotland.

Copy of Gazette to be evidence.

A copy of the Gazette containing the notice shall be conclusive evidence of the grant, which may also be proved by the certificate itself, or by an instrument purporting to be a copy of the certificate, and to be attested as such by the inspector of industrial schools.

Inspection of school.

10. Every certified industrial school shall from time to time, and at least once in each year, be inspected by the inspector of industrial schools, or by a person appointed to assist him as aforesaid.

Alterations, &c. of buildings to be approved.

11. No substantial addition or alteration shall be made to or in the buildings of any certified industrial school without the approval in writing of the Secretary of State.

Contribution by counties and boroughs to establishment and enlargement of schools.

12. In England a prison authority (*a*) may from time to time contribute such sums of money, and on such conditions as they think fit, towards the alteration, enlargement, or rebuilding of a certified industrial school,—or towards the support of the inmates of such a school,—or towards the management of such a school,—or towards the establishment or rebuilding of a school intended to be a certified industrial school,—or towards the purchase of land required either for the use of an existing certified industrial school, or for the site of a school intended to be a certified industrial school; provided—

First, that not less than two months previous notice (*b*) of the intention of the prison authority to take into consideration the making of such contribution, at a time and place to be mentioned in such notice, be given by advertisement in some

(*a*) See sect. 27 of the E. E. Act, 1870, p. 204.

(*b*) See sect. 14 of the E. E. Act, 1873, p. 220; and sect. 9 of the Youthful Offenders Act, 1901, p. 340.

one or more public newspaper or newspapers circulated within the district of the county or borough, and also in the manner in which notices relating to business to be transacted by the prison authority are usually given:

Secondly, that where the prison authority is the council of a borough, the order for the contribution be made at a special meeting of the council:

Thirdly, that where the contribution is for alteration, enlargement, rebuilding, establishment, or building of a school or intended school, or for purchase of land, the approval of the Secretary of State be previously given for that alteration, enlargement, rebuilding, establishment, building, or purchase.

In Scotland a county board may contribute to any certified industrial school with the consent and in the manner provided by the Prisons (Scotland) Administration Act, 1860, respecting contributions to reformatories. *See p.* 33.

Mode of obtaining approval of Secretary of State.

13. In order to obtain the approval of the Secretary of State as aforesaid where required, the managers of the school, or promoters of the intended school, shall forward to the Secretary of State particulars of the proposed establishment or purchase, and a plan of the proposed alteration, enlargement, rebuilding, or building, drawn on such scale, and accompanied by such particulars and estimate of cost, as the Secretary of State thinks fit to require; and the Secretary of State may approve of the particulars and plan submitted to him, with or without modification, or may disapprove of the same, and his approval or disapproval shall be certified by writing under his hand. *See p.* 34.

Classes of Children to be detained in Certified Industrial Schools.

As to children under 14 years of age found begging, &c.

14. Any person may bring before two justices or a magistrate any child apparently under the age of fourteen years that comes within any of the following descriptions (*a*), namely,—

That is found begging or receiving alms (whether actually or under the pretext of selling or offering for sale anything), or being in any street or public place for the purpose of so begging or receiving alms:

That is found wandering and not having any home or settled place of abode, or proper guardianship, or visible means of subsistence:

That is found destitute, either being an orphan or having a surviving parent who is undergoing penal servitude or imprisonment:

That frequents the company of reputed thieves.

The justices or magistrate before whom a child is brought as coming within one of those descriptions, if satisfied on inquiry of

(*a*) For additional descriptions of children coming within this Act, see the Industrial Schools Acts Amendment Act, 1880 (43 & 44 Vict. c. 15); p. 372.

that fact, and that it is expedient to deal with him under this Act, may order him to be sent to a certified industrial school. *See p.* 55.

As to children under 12 years of age charged with offences.

15. Where a child apparently under the age of twelve years is charged before two justices or a magistrate (*a*) with an offence punishable by imprisonment or a less punishment, but has not been in England convicted of felony (*b*), or in Scotland of theft, and the child ought, in the opinion of the justices or magistrate, (regard being had to his age and to the circumstances of the case,) to be dealt with under this Act, the justices or magistrate may order him to be sent to a certified industrial school. *See p.* 55.

As to refractory children under 14 years of age in charge of parent, &c.

16. Where the parent or step-parent or guardian of a child apparently under the age of fourteen years represents to two justices or a magistrate that he is unable to control the child, and that he desires that the child be sent to an industrial school under this Act, the justices or magistrate, if satisfied on inquiry that it is expedient to deal with the child under this Act, may order him to be sent to a certified industrial school. *See p.* 55.

As to refractory children under 14 years of age in workhouses, pauper schools, &c.

17. Where the guardians of the poor of a union or of a parish wherein relief is administered by a board of guardians, or the board of management of a district pauper school, or the parochial board of a parish or combination, represent to two justices or a magistrate that any child apparently under the age of fourteen years maintained in a workhouse or pauper school of a union or parish, or in a district pauper school, or in the poorhouse of a parish or combination is refractory, or is the child of parents either of whom has been convicted of a crime or offence punishable with penal servitude or imprisonment, and that it is desirable that he be sent to an industrial school under this Act, the justices or magistrate may, if satisfied that it is expedient to deal with the child under this Act, order him to be sent to a certified industrial school. *See p.* 55.

Order of Detention.

Form and contents of order sending child to school.

18. The order of justices or a magistrate sending a child to a school (in this Act referred to as the order of detention in a school) shall be in writing signed by the justices or magistrate, and shall specify the name of the school.

The school shall be some certified industrial school (whether situate within the jurisdiction of the justices or magistrate making the order or not) the managers of which are willing to receive the child; and the reception of the child by the managers of the school shall be deemed to be an undertaking by them to teach, train, clothe, lodge, and feed him during the whole period for which he is liable to be detained in the school, or until the withdrawal or resignation of the certificate of the school takes effect, or until the contribution out of money provided by Parliament towards the custody and

(*a*) See sect. 5 of the Youthful Offenders Act, 1901, p. 339.

(*b*) See sect. 1 of the Youthful Offenders Act, 1901, p. 337.

maintenance of the children detained in the school is discontinued, whichever shall first happen.

The school named in the order shall be presumed to be a certified industrial school until the contrary is shown.

In determining on the school the justices or magistrate shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a school conducted in accordance with such religious persuasion, and the order shall specify such religious persuasion.

The order shall specify the time for which the child is to be detained in the school, being such time as to the justices or magistrate seem proper for the teaching and training of the child, but not in any case extending beyond the time when the child will attain the age of sixteen years.

Temporary detention in workhouse, &c.

19. Two justices or a magistrate, while inquiry is being made respecting a child or respecting a school to which he may be sent, may, by order signed by them or him, order the child to be taken to the workhouse or poorshouse of the union, parish, or combination in which he is found or resident (*a*),—or where (in Scotland) there is no such poorshouse, or the poorshouse is at an inconvenient distance, to such other place, not being a prison, as the magistrate thinks fit, the occupier whereof is willing to receive him,—and to be detained therein at the cost of the union, parish, or combination for any time not exceeding seven days, or until an order is sooner made for his discharge or for his being sent to a certified industrial school; and the guardians of the poor for the union or parish, or the keeper of the poorshouse, or other person to whom the order is addressed, are and is hereby empowered and required to detain him accordingly.

Power to parent, &c., to apply to remove child to a school conducted in accordance with child's religious persuasion.

20. If the parent, step-parent, or guardian, or if there be no parent, step-parent, or guardian, then the god-parent or nearest adult relative, of a child sent or about to be sent to a certified industrial school which is not conducted in accordance with the religious persuasion to which the child belongs, states to the justices or magistrate by whom the order of detention has been or is about to be made (or to two justices or a magistrate having the like jurisdiction) that he objects to the child being sent to or detained in the school specified or about to be specified in the order, and names another certified industrial school in Great Britain which is conducted in accordance with the religious persuasion to which the child belongs, and signifies his desire that the child be sent thereto, then and in every such case the justices or magistrate shall, upon proof of such child's religious persuasion, comply with the request of the applicant, provided,—

First, that the application be made before the child has been sent

(*a*) See sect. 4 (2) of the Youthful Offenders Act, 1901, p. 338, as to the remand or committal of a child into the custody of any fit person.

to a certified industrial school, or within thirty days after his arrival at such a school:

Secondly, that the applicant show to the satisfaction of the justices or magistrate that the managers of the school named by him are willing to receive the child:

Provided always, with respect to Scotland, that if any child who has become chargeable to any parish, and who is under this section sent from Scotland, to a school out of Scotland, might have been removed from Scotland (under any Act for the time being in force relating to the relief of the poor in Scotland) at the instance of the inspector of the poor of the parish to which he has become chargeable, had he not been sent out of Scotland under this section, then and in every such case the chargeability on such parish for such child shall cease on his being so sent out of Scotland.

Where order to be for detention in school of parochial board.

21. In Scotland where a magistrate is about to make or has made an order for sending a child to a certified industrial school, and the child is chargeable at the time to any parish, or has been so chargeable within three months then last past, and there is in that parish a certified industrial school maintained by the parochial board thereof, and conducted in accordance with the religious persuasion to which the child belongs, and the inspector of the poor of such parish certifies to the magistrate (or to a magistrate having the like jurisdiction) that he requires the child to be sent to the certified industrial school in such parish maintained by the parochial board thereof, and conducted in accordance with the religious persuasion to which the child belongs, then and in every such case the magistrate shall direct the child to be sent to the last-mentioned school accordingly, the inspector of the poor defraying the expense of conveying the child thither; Provided that where the order of detention has been made, the application of the inspector to the magistrate be made within fourteen days of the day of the making of the order.

Order to be warrant for conveyance and detention.

22. The order of detention in a school shall be forwarded to the manager of the school with the child, and shall be a sufficient warrant for the conveyance of the child thither, and his detention there.

Expenses of conveyance to school.

23. The expense of conveying to a certified industrial school a child ordered to be sent there shall be defrayed by the police authorities by whom he is conveyed, and shall be deemed part of the current expenses of those police authorities (*a*).

Evidence of order of detention.

24. An instrument purporting to be an order of detention in a

(*a*) See E. E. Act, 1900, sect. 4 (1), giving a local education authority power to pay expenses of and incidental to the conveyance of a child committed at their instance to a certified industrial school, to and from such school, p. 267. They may also pay the expenses of sending out such a child or licence and bringing it back on expiration of licence: *Ibid.*

school and to be signed by two justices or a magistrate, or purporting to be a copy of such an order and to be certified as such a copy by the clerk to the justices or magistrates by whom the order was made, shall be evidence of the order.

Management of School.

Religious instruction in school.

25. A minister of the religious persuasion specified in the order of detention as that to which the child appears to the justices or magistrate to belong may visit the child at the school on such days and at such times as are from time to time fixed by regulations made by the Secretary of State for the purpose of instructing him in religion.

Lodging child out of school.

26. The managers of a school may permit a child sent there under this Act to lodge at the dwelling of his parent or of any trustworthy and respectable person, so that the managers teach, train, clothe, and feed the child in the school as if he were lodging in the school itself, and so that they report to the Secretary of State, in such manner as he thinks fit to require, every instance in which they exercise a discretion under this section.

Licence for living out of school.

27. The managers of a school may, at any time after the expiration of eighteen months (*a*) of the period of detention allotted to a child, by licence under their hands, permit him to live with any trustworthy and respectable person named in the licence, and willing to receive and take charge of him.

Any licence so granted shall not be in force for more than three months, but may at any time before the expiration of those three months be renewed for a further period not exceeding three months, to commence from the expiration of the previous period of three months, and so from time to time until the period of the child's detention is expired.

Any such licence may also be revoked at any time by the managers of the school by writing under their hand, and thereupon the child to whom the licence related may be required by them, by writing under their hands, to return to the school.

The time during which a child is absent from a school in pursuance of a licence shall, except where such licence has been forfeited by his misconduct, be deemed to be part of the time of his detention in the school, and at the expiration of the time allowed by the licence he shall be taken back to the school.

A child escaping from the person with whom he is placed under a licence, or refusing to return to the school on the revocation of his licence, or at the expiration of the time allowed thereby, shall be deemed to have escaped from the school.

Power to apprentice child.

28. The managers of a school may, at any time after a child has been placed out on licence as aforesaid, if he conducted himself well during his absence from the school, bind him, with his own

(*a*) For licence after one month's detention in truant schools, see p. 52.

consent, apprentice to any trade, calling, or service, notwithstanding that his period of detention has not expired, and every such binding shall be valid and effectual to all intents.

Rules of school to be approved by Secretary of State.

29. The managers of a certified industrial school may from time to time make rules for the management and discipline of the school, not being inconsistent with the provisions of this Act; but those rules shall not be enforced until they have been approved in writing by the Secretary of State; and rules so approved shall not be altered without the like approval.

A printed copy of rules purporting to be the rules of a school so approved and to be signed by the inspector of industrial schools shall be evidence of the rules of the school.

Evidence as to reception in school, &c.

30. A certificate purporting to be signed by one of the managers of a certified industrial school or their secretary, or by the superintendent or other person in charge of the school to the effect that the child therein named was duly received into and is at the signing thereof detained in the school, or has been duly discharged or removed therefrom or otherwise disposed of according to law, shall be evidence of the matters therein stated.

Liability to removal not affected by stay at school.

31. The time during which a child is detained in a school under this Act shall for all purposes be excluded in the computation of time mentioned in section one of the Act of the session of the ninth and tenth years of Her Majesty's reign (chapter sixty-six), "to amend the laws relating to the removal of the poor," as amended by any other Act.

Offences at School, &c.

Refusal to conform to rules.

32. If a child sent to a certified industrial school, and while liable to be detained there, being apparently above ten years of age, and whether lodging in the school itself or not, wilfully neglects or wilfully refuses to conform to the rules of the school, he shall be guilty of an offence against this Act, and on summary conviction thereof before two justices or a magistrate shall be liable to be imprisoned, with or without hard labour, for any term not less than fourteen days and not exceeding three months, and the justices or magistrate before whom he is convicted may direct him to be sent at the expiration of the term of his imprisonment to a certified reformatory school, and to be there detained subject and according to the provisions of the Reformatory Schools Act, 1866.

29 & 30 Vict. c. 117.

Penalty on child escaping from school.

33. If a child sent to a certified industrial school, and while liable to be detained there, and whether lodging in the school itself or not, escapes from the school, or neglects to attend thereat, he shall be guilty of an offence against this Act, and may at any time before the expiration of his period of detention be apprehended without warrant, and may (any other Act to the contrary notwithstanding) be then brought before a justice or magistrate having jurisdiction in the place or district where he is found, or in the

place or district where the school from which he escaped is situate; and he shall thereupon be liable, on summary conviction before such a justice or magistrate, to be, by and at the expense of the managers of the school, brought back to the same school, there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his committing the offence.

If the child charged with such an offence is apparently above ten years of age, then on his summary conviction of the offence before two such justices or such a magistrate he shall be liable, at the discretion of the justices or magistrate, instead of being sent back to the same school, to be imprisoned with or without hard labour for any term not less than fourteen days and not exceeding three months, and the justices or magistrate before whom he is convicted may direct him to be sent at the expiration of the term of his imprisonment to a certified reformatory school, and to be there detained subject and according to the provisions of the Reformatory Schools Act, 1866.

29 & 30 Vict. c. 117.

Penalty on persons inducing offenders to escape from certified industrial schools.

34 (*a*). If any person does any of the following things, (that is to say,)—

First, knowingly assists, directly or indirectly, a child liable to be detained in a certified industrial school to escape from the school;

Second, directly or indirectly induces such a child so to escape;

Third, knowingly harbours or conceals a child who has so escaped, or prevents him from returning to school, or knowingly assists in so doing,—

Every such person shall be guilty of an offence against this Act, and shall, on summary conviction thereof before two justices or a magistrate, be liable to a penalty not exceeding twenty pounds, or, at the discretion of the justices, to be imprisoned for any term not exceeding two months, with or without hard labour.

Expenses of Children in Schools.

Power to Treasury to contribute towards custody, &c. of children detained.

35. The Commissioners of Her Majesty's Treasury may from time to time contribute, out of money provided by Parliament for the purpose, such sums as the Secretary of State from time to time thinks fit to recommend towards the custody and maintenance of children detained in certified industrial schools; provided that such contributions shall not exceed two shillings per head per week for children detained on the application of their parents, step-parents, or guardians. *See p.* 125.

Power to prison authority to contract for reception of children in schools.

36. In England a prison authority may contract with the managers of a certified industrial school for the reception and maintenance therein of such children as are from time to time ordered by justices to be sent there from the district of the prison authority.

(*a*) See also sect. 2 of 57 & 58 Vict. c. 33, *p.* 374.

Power to guardians of poor, &c. to contribute.

37. The guardians of the poor of a union or parish, or the board of management of a district pauper school, or the parochial board of a parish or combination, may from time to time, with the consent in England of the Poor Law Board and in Scotland of the Board of Supervision, contribute such sums as they think fit towards the maintenance of children detained in a certified industrial school on their application.

Recovery of cost of maintenance in schools in Scotland, when parishes, &c. are liable.

38. In Scotland where a child sent to a certified industrial school under this Act is at the time of his being so sent, or within three months then last past has been, chargeable to any parish, the parochial board and inspector of the poor of the parish of the settlement of such child, if the settlement of the child is in any parish in Scotland, shall, as long as he continues so chargeable, be liable to repay to the Commissioners of Her Majesty's Treasury all expenses incurred in maintaining him at school under this Act to an amount not exceeding five shillings per week, and in default of payment those expenses may be recovered by the inspector of industrial schools, or any agent of the inspector, in a summary manner before a magistrate having jurisdiction in the place where the parish is situate.

Provided always, that nothing in this Act shall prevent any parochial board on whose funds the cost of support of any such child has become a charge from adopting such steps for the recovery of any sums which may have been paid by such parochial board for any such child against the parish of his settlement, or for his removal, as may be competent to them under any Act for the time being in force relating to the relief of the poor in Scotland.

Contribution by parent, &c.

39. The parent, step-parent, or other person for the time being legally liable to maintain a child detained in a certified industrial school shall, if of sufficient ability, contribute to his maintenance and training therein a sum not exceeding five shillings per week.

Order for enforcement of contribution by parent, &c.

40. On the complaint of the inspector of industrial schools, or of any agent of the inspector, or of any constable under the directions of the inspector (with which directions every constable is hereby required to comply), at any time during the detention of a child in a certified industrial school, two justices or a magistrate having jurisdiction at the place where the parent, step-parent, or other person liable as aforesaid resides may, on summons to the parent, step-parent, or other person liable as aforesaid, examine into his ability to maintain the child, and may, if they or he think fit, make an order or decree on him for the payment to the inspector or his agent of such weekly sum, not exceeding five shillings per week, as to them or him seems reasonable, during the whole or any part of the time for which the child is liable to be detained in the school (*a*).

(*a*) Where a court of summary jurisdiction orders a child to be sent to a certified industrial school it may now make an order under this section *at the same time:* Youthful Offenders Act, 1901, sect. 6 (1). An order made on

Every such order or decree may specify the time during which the payment is to be made, or may direct the payment to be made until further order.

In Scotland any such order or decree shall be held to be and to have the effect of an order or decree in each and every week for payment of the sum ordered or decreed to be paid for such week; and under the warrant for arrestment therein contained (which the magistrate is hereby authorized to grant if he sees fit), it shall be lawful to arrest weekly for payment of such weekly sum as aforesaid the wages of the defender due and current, and such arrestment shall attach not only to the wages due and payable to the defender at the date thereof, but also to the wages current for the week or other term or period in which such arrestment is executed, any law or statute notwithstanding.

Every such payment or a proper proportionate part thereof shall go in relief of the charges on Her Majesty's Treasury, and the same shall be accounted for as the Commissioners of Her Majesty's Treasury direct, and where the amount of the payment ordered in respect of any child exceeds the amount contributed by the Commissioners of Her Majesty's Treasury in respect of that child, the balance shall be accounted for and paid to the managers of the school.

The Secretary of State may, in his discretion, remit wholly or partially any payment so ordered.

Two justices or a magistrate having jurisdiction to make such an order or decree may from time to time vary any such order or decree as circumstances require, on the application either of the person on whom such order or decree is made, or of the inspector of industrial schools, or his agent, on fourteen days notice being first given of such application to the inspector or agent, or to such person respectively.

Discharge, &c. of Children from School.

Detention to cease on child attaining sixteen.

41. A person who has attained the age of sixteen years shall not be detained in a certified industrial school, except with his own consent in writing.

Transfer to another school by Secretary of State.

42. The Secretary of State may at any time order a child to be transferred from one certified industrial school to another, but so that the whole period of his detention be not thereby increased.

The Secretary of State may also at any time order a child being under sentence of detention in an industrial school established under any other Act of Parliament, the general rules for the government whereof have been approved by the Secretary of State, to be transferred to a certified industrial school under this Act; and in that case the child shall after the transfer be deemed to be

complaint under this section may now be enforced as an order of affiliation: *Ibid.*, sect. 6 (2), p. 339.

subject in all respects to the provisions of this Act, but so that the whole period of his detention be not by such transfer increased.

The Commissioners of Her Majesty's Treasury may pay, out of money provided by Parliament for the purpose, such sum as the Secretary of State thinks fit to recommend, in discharge of the expenses of the removal of any child transferred under the provisions of this Act.

Discharge by Secretary of State.

43. The Secretary of State may at any time order any child to be discharged from a certified industrial school or from any industrial school established under any other Act of Parliament, the general rules for the government whereof have been approved by the Secretary of State, either absolutely or on such condition as the Secretary of State approves, and the child shall be discharged accordingly.

Withdrawal, &c. of Certificate of School.

Power for Secretary of State to withdraw certificate.

44. The Secretary of State, if dissatisfied with the condition of a certified industrial school, may at any time, by notice under his hand addressed to and served on the managers thereof, declare that the certificate of the school is withdrawn as from a time specified in the notice, not being less than six months after the date thereof; and at that time the certificate shall be deemed to be withdrawn accordingly, and the school shall thereupon cease to be a certified industrial school.

Resignation of certificate by managers.

45. The managers or the executors or administrators of a deceased manager (if only one) of a certified industrial school may give notice in writing to the Secretary of State of their intention to resign the certificate of that school, and at the expiration in the case of managers of six months, and in the case of executors or administrators of one month, from the receipt of that notice by the Secretary of State (unless before that time the notice is withdrawn) the certificate shall be deemed to be resigned accordingly, and the school shall thereupon cease to be a certified industrial school.

Gazetting and evidence of withdrawal, &c.

46. A notice of the withdrawal or resignation of the certificate of a certified industrial school shall within one month be inserted by order of the Secretary of State in the London or in the Edinburgh Gazette, according as the school is in England or Scotland.

A copy of the Gazette containing such notice shall be conclusive evidence of such withdrawal or resignation.

A certificate shall be presumed to be in force until the withdrawal or resignation thereof is proved.

Cesser of reception of children on notice, &c.

47. Where notice is given of the withdrawal or resignation of the certificate of a certified industrial school no child shall be received into the school for detention under this Act after the receipt by the managers of the school of the notice of withdrawal, or after the date of the notice of resignation, as the case may be; but the obligation of the managers to teach, train, clothe, lodge,

and feed any children detained in the school at the time of such receipt or at the date of such notice shall, except as far as the Secretary of State otherwise directs, be deemed to continue until the withdrawal or resignation of the certificate takes effect, or until the contribution out of money provided by Parliament towards the custody and maintenance of the children detained in the school is discontinued, whichever shall first happen.

Discharge of children detained, &c.

48. Where a school ceases to be a certified industrial school the children detained therein shall be either discharged or transferred to some other certified industrial school by order of the Secretary of State.

Houses of Refuge, &c. in Scotland.

In Scotland power for industrial schools under local Acts, &c. to receive children.

49. Where in any city, town, or place in Scotland there has been erected, under local Act of Parliament or otherwise, any house of refuge for destitute children or any industrial school, or other similar institution, the commissioners, directors, or managers thereof may receive and maintain therein, if willing to do so, all such children as are sent thereto under this Act, and may pay such portion of the fund under their control as they think proper for the training, maintenance, and disposal of such children; provided that such house of refuge, school, or institution is certified as an industrial school under this Act, and the rules thereof and all alterations thereof from time to time are approved by the Secretary of State.

Expenses of Prison Authorities, &c.

Expenses of prison authorities and county boards, how defrayed.

50. Expenses incurred by a prison authority in England in carrying into effect the provisions of this Act shall be deemed expenses incurred by that authority in carrying into effect the provisions of the Prison Act, 1865, and shall be defrayed accordingly.

Expenses incurred by a county board in Scotland in carrying into effect the provisions of this Act shall be a charge on the assessment for current expenses incurred by that board in carrying into effect the provisions of the Prisons (Scotland) Administration Act, 1860.

Miscellaneous.

Acts regulating procedure.

51. The following Acts—

In England, the Act of the session of the eleventh and twelfth years of Her Majesty's reign (chapter forty-three), "to facilitate the performance of the duties of justices of the peace out of sessions, within England and Wales, with respect to summary convictions and orders," and any Acts amending the same;

In Scotland, the Summary Procedure Act, 1864,—

shall apply to all offences, payments, and orders in respect of which

jurisdiction is given to justices or a magistrate by this Act, or which are by this Act directed to be prosecuted, enforced, or made in a summary manner or on summary conviction.

Use of forms in schedule.

52. No summons, notice, or order made for the purpose of carrying into effect the provisions of this Act shall be invalidated for want of form only; and the forms in the schedule to this Act annexed, or forms to the like effect, may be used in the cases to which they refer, with such variations as circumstances require, and when used shall be deemed sufficient.

Service of notices on managers.

53. Any notice may be served on the managers of a certified industrial school by being delivered to any one of them personally, or being sent by post or otherwise in a letter addressed to them or any of them at the school, or at the usual or last known place of abode of any of the managers, or of their secretary.

Application of Act to existing certified schools.

54. This Act shall apply to all certified industrial schools being such at the passing of this Act, [*and to all children sent thereto before the passing of this Act, but no child shall be detained at any industrial school, in pursuance of any order made before the passing of this Act, for a longer period than he would have been liable to be detained if the Act had not been passed* (*a*)].

THE FIRST SCHEDULE.

[Repealed by Stat. Law Rev. Act, 1875.]

THE SECOND SCHEDULE.

FORMS.

(A.)

Order sending Child to Industrial School.

to wit. } Be it remembered, That on the day of in pursuance of the Industrial Schools Act, 1866, we, two of Her Majesty's justices of the peace for the said [*county*] of , do order that *A.B.* of (whose religious persuasion appears to us to be), being a child subject to the provisions of section of the said Act, be sent to the certified industrial school at , and that he be detained there during

(Signed) *L.M.*
N.O.

(C.)

Complaint for enforcing in England Contribution from Parent, &c.

to wit. } The complaint of the inspector of industrial schools [*or as the case may be*] made to us, the undersigned, two of

(*a*) Words in italics repealed Stat. Law Rev. Act, 1875.

Her Majesty's justices of the peace for the said county of this day of at in the same county, who says, that one *A.B.* of (*) the age of years, or thereabouts, is now detained in the industrial school at in the county of , under the Industrial Schools Act, 1866, and has been duly ordered and directed to be detained therein until the day of : That one *C.B.* dwelling in the parish of in the county of is the parent [*or* step-parent, *&c.*] of the said *A.B.*, and is of sufficient ability to contribute to the support and maintenance of the said *A.B.*, his son: (*) The said complainant therefore prays that the said *C.B.* may be summoned to show cause why an order should not be made on him so to contribute.

Exhibited before us, *C.D.*

J.S.
L.M.

(D.)

Summons to Parent, &c.

(*This will be in Form* (A.) *in Schedule to* 11 & 12 *Vict. c.* 43.)

(E.)

Order on Parent, &c. to contribute a Weekly Sum.

) Be it remembered That on this day of at
to wit.) in the said [*county*] of a certain complaint of the inspector of the industrial schools [*or as the case may be*], for that one *A.B.* of, *&c.* [*stating the cause of complaint as in the Form* (C.) *between the Asterisks* (*) (*)], was duly heard by and before us, the undersigned, two of Her Majesty's justices of the peace in and for the said [*county*] of (in the presence and hearing of the said *C.B.*, *if so*, or the said *C.B.* not appearing to the summons duly issued and served in this behalf): and we, having duly examined into the ability of the said *C.B.* and on consideration of all the circumstances of the case, do order the said *C.B.* to pay to the said inspector [*or* to an agent of the said inspector] the sum of shillings per week from the date of this order until the day of , the same to be paid at the expiration of each [fourteen, *or as the case may be*, days].

Given under our hands and seals, the day and year first above mentioned, at in the [*county*] aforesaid.

J.S. (L.S.)
L.M. (L.S.)

(F.)

Distress Warrant for Amount in arrear.

} To the constable of , and to all other peace officers
to wit. } in the said [*county*] of

Whereas on the hearing of a complaint made by the inspector of industrial schools, [*or as the case may be,*] that *A.B.* of, *&c.* [*stating the cause of complaint as in the Form* (C.) *between the asterisks* (*) (*)], an order was made on the day of by us, the undersigned [*or* by *L.M.* and *J.H.*], two of Her Majesty's justices of the peace in and for the said [*county*] of against the said *C.B.*, to pay to the said inspector [*or as the case may be*], the sum of per week from the date of the said order until the day of , the same to be paid at the expiration of each [*twenty-eight*] days [*or as the case may be*](*): And whereas there is due upon the said order the sum of being for [*three*] periods of [*fourteen*] days each, and default has been made therein for the space of fourteen days.

These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said *C.B.*, and if within the space of [*five*] days next after the making of such distress the said last-mentioned sum, together with the reasonable charges of taking and keeping the said distress, is not paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale to the clerk of the justices of the peace for the of that he may pay and apply the same as by law directed, and may render the overplus (if any), on demand, to the said *C.B.*; and if no such distress can be found, then that you certify the same to us, to the end that such proceedings may be had therein as the law requires.

Given under our hands and seals, this day of at in the [*county*] aforesaid.

J.S. (L.S.)
L.M. (L.S.)

(G.)

Commitment in Default of Distress.

} To the constable of and to the keeper of the [*prison*]
to wit. } at in the said [*county*] of

Whereas [*&c., as in the Form* (F.) *to the single asterisk* (*), *and then thus*]: And whereas afterwards, on the day of last I, the undersigned, together with *L.M.*, Esquire, [*or J.S.* and *L.M.*, Esquires,] two of Her Majesty's justices of the peace in and for the said [*county*] of , issued a warrant to the constable of aforesaid, commanding him to levy the sum of due upon the said recited order, being for [*three*] periods

of [*fourteen*] days, by distress and sale of the goods and chattels of the said *C.B.*: And whereas a return has this day been made to me the said justice [*or* the undersigned, one of Her Majesty's justices of the peace in and for the said [*county*] of], that no sufficient goods of the said *C.B.* can be found:

These are therefore to command you, the said constable of to take the said *C.B.*, and him safely to convey to the [*prison*] at aforesaid, and there deliver him to the keeper thereof, together with this precept: And I do hereby command you, the said keeper of the said [*prison*] to receive the said *C.B.* into your custody in the said [*prison*], there to imprison him for the term of , unless the said sum, and all costs and charges of the said distress, and of the commitment and conveying of the said *C.B.* to the said [*prison*], amounting to the further sum of , shall be sooner paid unto you the said keeper; and for your so doing this shall be your sufficient warrant.

Given under my hand and seal, this day of in the year of our Lord , at in the [*county*] aforesaid.

J.S. (L.S.)

(II.)

Order in Scotland on Parent for Payment towards Maintenance of Child.

The sheriff [*or as the case may be*] having considered the complaint of *E.F.*, the inspector of industrial schools, made under the Industrial Schools Act, 1866, and having heard parties thereon [*or*, in absence of *C.D.*, *designing him*, duly cited, but not appearing], pursuant to the said Act, decerns *C.D.* complained on, weekly and every week from the day of to pay to the said *E.F.*, or to his agent from time to time authorized to receive the same, the sum of shillings for the maintenance and training of *A.B.*, son [*or as the case may be*] of the said *C.D.*, now detained in the certified industrial school of under an order by of date until the said child attains the age of sixteen years or is lawfully discharged from the said school, and grants warrant of arrestment to be executed by any constable or messenger at arms.

Given under my hand this day of at in the county aforesaid.

[*Magistrate's Signature.*]

REFORMATORY AND INDUSTRIAL SCHOOLS ACTS AMENDMENT ACT, 1872.

35 & 36 VICT. c. 21.

An Act to amend the Law relating to Reformatory and Industrial Schools. [*27th June*, 1872.

Whereas it is expedient to enlarge the powers now given to prison authorities in England by the Reformatory Schools Act, 1866, section twenty-eight, and by the Industrial Schools Act, 1866, section twelve:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

Short title.

1. This Act may be cited as the Reformatory and Industrial Schools Acts Amendment Act, 1872.

Extent of Act.

2. This Act shall not extend to Scotland or Ireland.

PART II.—INDUSTRIAL SCHOOLS.

Construction of part of Act.

6. This part of this Act shall be construed as one with "The Industrial Schools Act, 1866," and that Act and this part of this Act may be cited together as the Industrial Schools Act, 1866 and 1872.

Extension of power of prison authority under 29 & 30 Vict. c. 118, s. 12.

7. Whereas by section twelve of "The Industrial Schools Act, 1866," it is provided that "a prison authority in England may from time to time contribute such sums of money, and on such conditions, as they think fit towards the alteration, enlargement, or rebuilding of a certified industrial school, or towards the support of the inmates of such school, or towards the management of such a school, or towards the establishment or building of a school intended to be a certified industrial school, or towards the purchase of land required either for the use of an existing certified industrial school, or for the site of a school intended to be a certified industrial school," subject to the provisoes there contained: Be it enacted, that the said section shall extend to authorise the prison authority themselves to undertake anything towards which they are authorised by that section to contribute (*a*); and "The Industrial Schools Act, 1866," shall be construed as if in the said section, so far as it relates to England, the expressions "contribute towards" and "contribution" included respectively "undertake" and "undertaking"; and the expenses of a prison authority in England incurred in pursuance of this section shall be defrayed accordingly. *See p.* 34.

Application and amendment of

8. Whereas by section twenty-seven of "The Elementary Education Act, 1870," it is enacted, that upon the election of a

(*a*) See E. E. (Industrial Schools) Act, 1879, sect. 2, p. 245; and E. Act, 1902, Sch. III. (1), extending this power to local education authorities.

38 & 34 Vict. c. 75, s. 27, as to industrial schools.

school board in a borough, the council of that borough should cease to have power to contribute under section twelve of "The Industrial Schools Act, 1866," be it enacted, that the said enactment shall extend to all powers conferred on a prison authority by this part of this Act, and the date at which the power of a prison authority of a borough, who have during not less than six months before the election of a school board in such borough contributed to or maintained any industrial school, ceases in pursuance of the said enactment, shall be and be deemed always to have been the date at which the school board in the borough resolve, in the manner and with the approval (if any) provided by section twelve of "The Industrial Schools Act, 1866," to contribute, in pursuance of that section, to the industrial school to which the prison authority have so contributed, or as the case may be, resolve, under the provisions of and with the consent required by "The Elementary Education Act, 1870," to maintain such industrial school; provided that any such industrial school which was so maintained by the prison authority may, notwithstanding any such resolution, continue to be maintained by the prison authority, unless they agree to transfer such school to the school board.

Power to contribute towards ultimate disposal of inmates of certified industrial schools.

9. A prison authority in England may contribute towards the ultimate disposal (*a*) of any inmate of a certified industrial school established by such authority in pursuance of this part of this Act, and the expenses incurred by a prison authority in England in pursuance of this section shall be deemed to be expenses incurred by such authority in carrying into effect the provisions of the Industrial Schools Act, 1866.

INDUSTRIAL SCHOOLS ACTS AMENDMENT ACT, 1880.

43 & 44 Vict. c. 15.

An Act further to amend the Industrial Schools Act, 1866, and the Industrial Schools Act (Ireland), 1868. [*2nd August*, 1880.

Whereas it is expedient that children who are growing up in the society of depraved and disorderly persons should be withdrawn from contaminating influences, and that the benefits of industrial school training should be extended to them:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extension of 29 & 30 Vict. c. 118, s. 14,

1. Section fourteen of the Industrial Schools Act, 1866, and section eleven of the Industrial Schools Act (Ireland), 1868, shall

(*a*) See Youthful Offenders Act, 1901, sect. 8, for power of county council to make a like contribution, p. 340.

be respectively read and construed as if, after the four several descriptions therein respectively contained, there were added the following descriptions, namely,— and 31 & 32 Vict. c. 25, s. 11, to other descriptions of children.

That is lodging, living, or residing with common or reputed prostitutes, or in a house resided in or frequented by prostitutes for the purpose of prostitution:

That frequents the company of prostitutes.

2. This Act may be cited for all purposes as the Industrial Schools Acts Amendment Act, 1880. Short title.

REFORMATORY AND INDUSTRIAL SCHOOLS ACT, 1891.

54 & VICT. c. 23.

An Act to assist the Managers of Reformatory and Industrial Schools in advantageously launching into useful Careers the Children under their Charge. [3rd *July*, 1891.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. If any youthful offender or child detained in or placed out on licence from a certified reformatory or industrial school conducts himself well, the managers of the school may, with his own consent, apprentice him to, or dispose of him in, any trade, calling, or service, or by emigration, notwithstanding that his period of detention has not expired, and such apprenticing or disposition shall be as valid as if the managers were his parents. Power to apprentice or dispose of child.

Provided that where he is to be disposed of by emigration, and in any case unless he has been detained for twelve months, the consent of the Secretary of State shall also be required for the exercise of any power under this section.

2. This Act may be cited as the Reformatory and Industrial Schools Act, 1891, and it shall not apply to Ireland. Short title and extent of Act.

INDUSTRIAL SCHOOLS ACTS AMENDMENT ACT, 1894.

57 & 58 VICT. c. 33.

An Act to further amend the Industrial Schools Act, 1866. [17th *August*, 1894.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Supervision of children after discharge from industrial schools.

1.—(1.) Every child sent to an industrial school after the passing of this Act shall, from the expiration of the period of his detention at such school, remain up to the age of eighteen under the supervision of the managers of the school.

(2.) The managers may grant to any child under their supervision a licence in the manner provided by section twenty-seven of the Industrial Schools Act, 1866, and may revoke any such licence, and recall the child to the school; and any child so recalled may be detained in the school for a period not exceeding three months, and may at any time be again placed out on licence: Provided that—

29 & 30 Vict. c. 118.

(a.) a child shall not be so recalled unless the managers are of opinion that the recall is necessary for the protection of the child; and

(b.) the managers shall send to the Secretary of State an immediate notification of the recall of any child, and shall state the reasons for the recall; and

(c.) they shall again place the child out as soon as possible, and at latest within three months after the recall, and shall forthwith notify the Secretary of State that the child has been placed out.

(3.) A licence granted to a child within three months before attaining the age of sixteen shall continue in force after the child attains that age, and may be revoked or renewed in the manner provided by section twenty-seven of the Industrial Schools Act, 1866.

Penalty for inducing child placed on licence to escape, &c.

2. Section thirty-four of the Industrial Schools Act, 1866, shall be read and construed as if after the three offences therein severally specified there were added the following offence; namely,—

FOURTH.—Knowingly assists or induces, directly or indirectly, a child placed on licence to escape from any person with whom the child is so placed on licence, or prevents the child from returning to any person aforesaid.

Provision as to children detained under existing orders.

3. Any child detained in an industrial school at the passing of this Act may consent in writing to come under the provisions of this Act, and thereupon the Secretary of State, if satisfied that the consent was given voluntarily, and with full knowledge of its effect, may order that the provisions of this Act shall apply to the child, and they shall apply accordingly.

Saving for children detained under attendance order.

4. Nothing in this Act shall apply to any child committed to an industrial school under the Elementary Education Acts, 1870 to 1893.

Short title and construction.

5. This Act may be cited for all purposes as the Industrial Schools Acts Amendment Act, 1894, and shall be construed as one with the Industrial Schools Act, 1866, and that Act and this Act may be cited together as the Industrial Schools Acts, 1866 and 1894.

CANAL BOATS ACT, 1877.

40 & 41 VICT. c. 60.

An Act to provide for the Registration and Regulation of Canal Boats used as Dwellings. [14*th August*, 1877.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

* * * * * *

Education of children dwelling on board canal boats.

33 & 34 Vict. c. 75.
36 & 37 Vict. c. 86.
39 & 40 Vict. c. 79.

6. A child in a canal boat registered in pursuance of this Act, and his parent, shall for the purposes of the Elementary Education Acts, 1870 (*a*), 1873 (*b*), and 1876 (*c*), be deemed, subject as hereinafter mentioned, to be resident in the place to which the boat is registered as belonging, and shall be subject accordingly to any byelaw (*d*) in force under the said Acts in that place.

Provided that if the parent satisfies the school board (*e*) or school attendance committee (*f*) having authority in that place, that the child is actually attending school, or is under efficient instruction in accordance with the said Acts, in some other school district (*g*), the said board or committee shall grant him without charge a certificate to that effect, and thereupon he and his child shall be deemed for the purposes aforesaid to be resident in the school district (*g*) in which the child is so attending school, or under efficient instruction, and shall be subject to any byelaw (*d*) in force therein.

The said certificate may on application by the parent be rescinded or varied by the school board (*e*) or school attendance committee (*f*) for the place to which the boat is registered as belonging, and may be rescinded without application by any such board (*e*) or committee (*f*) if they are satisfied, after due notice to the parent, that his child is not properly attending school or under efficient instruction in the school district (*g*) mentioned in the certificate.

* * * * * *

Power of canal company, &c., to establish schools.

12. Any company or association, corporate or unincorporate, being the owners of any canal boats, or being the owners, lessees, or undertakers of any canal, may, with the assent of a special

(*a*) For the Act see p. 195.
(*b*) For the Act see p. 219.
(*c*) For the Act see p. 226.
(*d*) See pp. 35—44.
(*e*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (1).
(*f*) School attendance committees are abolished as from the "appointed day": E. Act, 1902, sect. 5.
(*g*) References to school districts to be construed as references to areas for which local education authorities act: E. Act, 1902, Sch. III. (1).

resolution of their members, and notwithstanding any Act of Parliament, charter, or document regulating the funds of the company or association, appropriate any portion of their funds to the establishment and maintenance, or establishment or maintenance, of a school or schools wherein the children of the persons employed in canal boats may be lodged, maintained, and educated, or educated only; with this restriction that the children shall not be maintained gratuitously, but the lodging or education may be wholly or partially gratuitous.

A "special resolution" shall for the purposes of this Act mean a resolution passed in manner provided by the fifty-first section of the Companies Act, 1862.

25 & 26 Vict. c. 89.

* * * * * *

Definitions.

14. In this Act, unless the context otherwise requires—

* * * * * *

The expression "parent" includes guardian, and every person who is liable to maintain or has the actual custody of any child:

* * * * * *

The expression "canal" includes any river, inland navigation, lake, or water being within the body of a county, whether it is or not within the ebb and flow of the tide:

The expression "canal boat" means any vessel, however propelled, which is used for the conveyance of goods along a canal as above defined, and which is not a ship duly registered under the Merchant Shipping Act, 1854, and the Acts amending the same:

17 & 18 Vic. c. 104.

* * * * * *

CANAL BOATS ACT, 1884.

47 & 48 Vict. c. 75.

An Act to amend the Canal Boats Act, 1877. [*14th August*, 1884.

* * * * * *

Penalty for contravention of regulations under Canal Boats Acts.

2. If default is made in complying with any of the regulations made or to be made by the Local Government Board and Education Department under the principal Act or this Act, and for the time being in force, the master of the boat with respect to which the default is made, and also the owner of the boat, if in default, shall for each default be liable on summary conviction to a fine not exceeding twenty shillings.

* * * * * *

Power to make regulations as to school certificates, &c.

5. The power to make regulations given to the Local Government Board by the principal Act and this Act shall include power to the Education Department to make regulations with respect to the form of certificates or pass books as to attendance at school to be used by children in canal boats.

6. The Education Department shall every year report to Parliament as to the manner in which the Elementary Education Acts, 1870 and 1873, 1876 and 1880, are enforced with respect to children in canal boats, and shall for that purpose direct Her Majesty's inspector of schools to communicate with the school boards and school attendance committees in their district. Annual report by Education Department.

* * * * * *

9. The expression "by day" in the principal Act and this Act shall be deemed to include the hours between six o'clock in the morning and nine o'clock at night. Definition of term "by day."

10. If it shall at any time appear to the Local Government Board, on the representation of any registration or sanitary authority or of any inspector appointed under this Act, that the principal Act and this Act ought to apply to any vessel or class of vessels which would be within the definition of canal boat contained in section fourteen of the principal Act, if such vessel or class of vessels were not registered under the Merchant Shipping Act, 1854, and the Acts amending the same, the Local Government Board may declare that the principal Act and this Act shall apply to such vessel or class of vessels, although the same may be registered as aforesaid, and thereupon the same shall be deemed to be a canal boat or canal boats within the meaning of the principal Act and this Act, and the definition contained in section fourteen of the principal Act shall be amended accordingly. Amendment of definition of canal boat.

11. This Act may be cited as the Canal Boats Act, 1884, and shall be construed as one with the Canal Boats Act, 1877, which Act and this Act may be cited together as the Canal Boats Acts, 1877 and 1884. Short title and construction of Act.

SCHOOL SITES ACT, 1841.

4 & 5 VICT. c. 38.

An Act to afford further facilities for the Conveyance and Endowment of Sites for Schools. [21*st June*, 1841.

Whereas it is expedient that greater facilities should be given for the erection of schools and buildings for the purposes of education: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act an Act passed in the session held in the sixth and seventh years of the reign of His late Majesty King William the Fourth, intituled An Act to facilitate the Conveyance of Sites for Schoolrooms, shall be and the same is hereby repealed; Provided that all matters and things done in pursuance of the said Act shall be and remain valid Repeal of 6 & 7 W. 4, c. 70; but things done in pursuance thereof declared valid,

and those commenced to be continued according to this Act.

as though the said Act was not repealed; and all matters and things commenced in pursuance of the said Act shall be continued according to the provisions of this Act, if the same shall be applicable, otherwise shall be continued conformably to the said recited Act, which shall be deemed to be still in force with regard to such proceedings.

Landlords empowered to convey land to be used as sites for schools, &c.

II. (*a*) And be it enacted, that any person, being seised in fee simple, fee tail, or for life, of and in any manor or lands of freehold, copyhold, or customary tenure (*b*), and having the beneficial interest therein, or in Scotland being the proprietor in fee simple or under entail, and in possession for the time being, may grant, convey, or enfranchise by way of gift, sale, or exchange, in fee simple, or for a term of years, any quantity not exceeding one acre (*c*) of such land, as a site for a school for the education of poor persons, or for the residence of the schoolmaster or schoolmistress, or otherwise for the purposes of the education of such poor persons in religious and useful knowledge; Provided that no such grant made by any person seised only for life of and in any such manor or lands shall be valid, unless the person next entitled to the same in remainder, in fee simple or fee tail, (if legally competent), shall be a party to and join in such grant: Provided also, that where any portion of waste or commonable land shall be gratuitously conveyed by any lord or lady of a manor for any such purposes as aforesaid the rights and interests of all persons in the said land shall be barred and divested by such conveyance: Provided also, that upon the said land so granted as aforesaid or any part thereof, ceasing to be used for the purposes in this Act mentioned, the same shall thereupon immediately revert to and become a portion of the said estate held in fee simple or otherwise, or of any manor or land as aforesaid, as fully to all intents and purposes as if this Act had not been passed, any thing herein contained to the contrary notwithstanding.

Chancellor and Council of the Duchy of Lancaster empowered to grant lands to the trustees of any existing or intended school.

III. And whereas it may be expedient and proper that the Chancellor and Council of Her Majesty's Duchy of Lancaster, on Her Majesty's behalf, should be authorized to grant, convey, or enfranchise, to or in favour of the trustee or trustees of any existing or intended school, lands and hereditaments belonging to Her Majesty in right of her said Duchy, for the purposes of this Act; be it therefore enacted, that it shall and may be lawful for the Chancellor and Council of Her Majesty's Duchy of Lancaster for the time being, by any deed or writing under the hand and seal of the Chancellor of the said Duchy for the time being, attested by the clerk of the Council of the said Duchy for the time being, for and in the name of Her Majesty, her heirs and successors, to grant, convey, or enfranchise, to or in favour of such trustee or trustees,

(*a*) See also 12 & 13 Vict. c. 49, sect. 1, *post*, p. 389.
(*b*) See 12 & 13 Vict. c. 49, sect. 6, p. 391.
(*c*) See 12 & 13 Vict. c. 49, sect. 5, p. 391.

any lands and hereditaments to be used by them for the purposes of this Act, upon such terms and conditions as to the said Chancellor and Council shall seem meet; and where any sum or sums of money shall be paid as or for the purchase or consideration for such lands or hereditaments so to be granted, conveyed, or enfranchised as aforesaid, the same shall be paid by such trustee or trustees into the hands of the Receiver General for the time being of the said Duchy, or his deputy, and shall be by him paid, applied, and disposed of according to the provisions and regulations contained in an Act passed in the forty-eighth year of the reign of His late Majesty King George the Third, intituled An Act to improve the Land Revenue of the Crown in England, and also of His Majesty's Duchy of Lancaster, or any other Act or Acts now in force for that purpose: Provided always, that upon the said land so granted as aforesaid, or any part thereof, ceasing to be used for the purposes in this Act mentioned, the same shall thereupon immediately revert to and become again a portion of the possessions of the said Duchy, as fully to all intents and purposes as if this Act or any such grant as aforesaid had not been passed or made; any thing herein contained to the contrary notwithstanding.

48 G. 3, c. 73.

If lands cease to be used for the purposes of the Act they shall revert.

IV. [*Officers of the Duchy of Cornwall empowered, upon sufficient authority, to grant lands to the trustees of any existing or intended school.*—Repealed Stat. Law Rev. Act (No. 2), 1874.]

V. And be it enacted, that where any person shall be equitably entitled to any manor or land, but the legal estate therein shall be in some trustee or trustees, it shall be sufficient for such person to convey the same for the purposes of this Act without the trustee or trustees being party to the conveyance thereof; and where any married woman shall be seised or possessed of or entitled to any estate or interest, manorial or otherwise, in land proposed to be conveyed for the purposes of this Act, she and her husband may convey the same for such purposes by deed, without any acknowledgment thereof; and where it is deemed expedient to purchase any land for the purposes aforesaid belonging to or vested in any infant or lunatic, such land may be conveyed by the guardian or committee of such infant, or the committee of such lunatic respectively, who may receive the purchase money for the same, and give valid and sufficient discharges to the party paying such purchase money, who shall not be required to see to the application thereof.

Persons under disability empowered to convey lands for the purposes of this Act.

VI. And be it enacted, that it shall be lawful for any corporation, ecclesiastical or lay, whether sole or aggregate, and for any officers, justices of the peace, trustees, or commissioners, holding land for public, ecclesiastical, parochial, charitable, or other purposes or objects, subject to the provisions next herein-after mentioned, to grant, convey, or enfranchise, for the purposes of this Act, such quantity of land as aforesaid in any manner vested in such

Corporations, justices, trustees, &c. empowered to convey lands for the purposes of this Act.

corporation, officers, justices, trustees, or commissioners: Provided always, that no ecclesiastical corporation sole, being below the dignity of a bishop, shall be authorized to make such grant without the consent in writing of the bishop of the diocese to whose jurisdiction the said ecclesiastical corporation is subject: Provided also, that no parochial property shall be granted for such purposes without the consent of a majority of the ratepayers and owners (*a*) of property in the parish to which the same belongs, assembled at a meeting to be convened according to the mode pointed out in the Act passed in the sixth year of the reign of His late Majesty, intituled An Act to facilitate the Conveyance of Workhouses and other Property of Parishes, and of Incorporations or Unions of Parishes in England and Wales, and without the consent of the Poor Law Commissioners, to be testified by their seal being affixed to the deed of conveyance, and of the guardians of the poor of the union within which the said parish may be comprised, or of the guardians of the poor of the said parish where the administration of the relief of the poor therein shall be subject to a board of guardians, testified by such guardians being the parties to convey the same; Provided also, that where any officers, trustees, or commissioners, other than parochial trustees, shall make any such grant, it shall be sufficient if a majority or quorum authorized to act of such officers, trustees, or commissioners, assembled at a meeting duly convened, shall assent to such grant, and shall execute the deed of conveyance, although they shall not constitute a majority of the actual body of such officers, trustees, or commissioners: Provided also, that the justices of the peace may give their consent to the making any grant of land or premises belonging to any county, riding, or division by vote at their general quarter sessions, and may direct the same to be made in the manner directed to be pursued on the sale of the sites of gaols by an Act passed in the seventh year of the reign of His late Majesty George the Fourth, intituled An Act to authorize the Disposal of unnecessary Prisons in England.

5 & 6 W. 4, c. 69.

7 G. 4, c. 18.

Grants of land may be made to corporations or trustees, to be held by them for school purposes.

VII. And be it enacted, that all grants of land or buildings, or any interest therein, for the purposes of the education of poor persons, whether taking effect under the authority of this Act or any other authority of law, may be made to any corporation sole or aggregate, or to several corporations sole, or to any trustees whatsoever, to be held by such corporation or corporations or trustees for the purposes aforesaid: Provided nevertheless, that any such grant may be made to the minister of any parish being a corporation, and the churchwardens or chapelwardens and overseers of the poor, or to the minister and kirk session of the said parish, and

(*a*) The Local Government Act, 1894, sect. 52 (1), provides that such consent may, in the case of a rural parish, be given by the parish meeting of the parish, *i.e.*, by resolution of such meeting.

their successors (*a*), and in such case the land or buildings so granted shall be vested for ever thereafter in the minister, churchwardens, or chapelwardens, and overseers of the poor for the time being, or the minister and kirk session of such parish, but the management, direction, and inspection of the school shall be and remain according to the provisions contained in the deed of conveyance thereof: Provided also, that where any ecclesiastical corporation sole below the dignity of a bishop shall grant any land to trustees, other than the minister, churchwardens, or chapelwardens, and overseers, for the purposes aforesaid, such trustees shall be nominated in writing by the bishop of the diocese to whose jurisdiction such corporation shall be subject; provided that where any school shall be intended for any ecclesiastical district not being a parish as hereinafter defined, it shall be sufficient if the grant be made to the minister and church or chapel warden or wardens of the church or chapel of such district, to hold to them and their successors in office; and such grant shall enure to vest the land, subject to the conditions contained in the deed of conveyance, in such minister and the church or chapel warden or wardens for the time being.

Estates now vested in trustees for the purposes of education may be conveyed to the minister and churchwardens.

VIII. And whereas schools for the education of the poor in the principles of the Established Church, or in religious and useful knowledge, and residences for the masters or mistresses of such schools, have been heretofore erected, and are vested in trustees not having a corporate character; be it therefore enacted, that it shall be lawful for the trustees for the time being of such last-mentioned schools and residences, not being subject to the provisions of the Act passed in the last session of Parliament, intituled An Act for improving the Conditions and extending the Benefits of Grammar Schools, to convey or assign the same, and all their estate and interest therein, to such ministers and churchwardens and overseers of the poor of the parish within which the same are respectively situate, and their successors as aforesaid, or, being situate within an ecclesiastical district not being a parish as herein-after defined, then to the minister and church or chapel wardens of the church or chapel of such district, and their successors, in whom the same shall thereafter remain vested accordingly, but subject to and under the existing trusts and provisions respectively affecting the same.

Any number of sites may be granted for separate schools.

IX. And be it enacted, that any person or persons or corporation may grant any number of sites for distinct and separate schools, and residences for the master or mistress thereof, although the aggregate quantity of land thereby granted by such person or persons or corporation shall exceed the extent of one acre (*b*), provided that the site of each school and residence do not exceed that

(*a*) See 7 & 8 Vict. c. 37, sect. 4, p. 388; 12 & 13 Vict. c. 49, sect. 5, p. 391.

(*b*) See 12 & 13 Vict. c. 37, sect. 4, p. 391.

extent: Provided also, that not more than one such site shall be in the same parish (*a*).

Form of grants, &c.

X. And be it enacted, that all grants, conveyances, and assurances of any site for a school, or the residence of a schoolmaster or a schoolmistress, under the provisions of this Act, in respect of any land, messuages, or buildings, may be made according to the form following, or as near thereto as the circumstances of the case will admit; (that is to say,)

"I [*or* we, *or the corporate title of a corporation*], under the authority of an Act passed in the year of the reign of Her Majesty Queen Victoria, intituled An Act for affording further facilities for the Conveyance and Endowment of Sites for Schools, do hereby freely and voluntarily, and without any valuable consideration (*b*), [*or* do, in consideration of the sum of to me *or* us *or* the said paid,] grant, [alienate,] and convey to all [*description of the premises*], and all [my *or* our *or* the right, title, and interest of the] to and in the same and every part thereof, to hold unto and to the use of the said and his *or* their [heirs, *or* executors, *or* administrators, *or* successors,] for the purposes of the said Act, and to be applied as a site for a school for poor persons of and in the parish of and for the residence of the schoolmaster [*or* schoolmistress] of the said school [*or for other purposes of the said school*], and for no other purpose whatever; such school to be under the management and control of [*set forth the mode in which and the persons by whom the school is to be managed, directed, and inspected.*] [*In case the school be conveyed to trustees, a clause providing for the renewal of the trustees, and in cases where the land is purchased, exchanged, or demised, usual covenants or obligations for tithe, may be added.*] In witness whereof the conveying and other parties have hereunto set their hands and seals, this day of .

"Signed, sealed, and delivered by the said in the presence of of ."

And no bargain and sale or livery of seisin shall be requisite in any conveyance intended to take effect under the provisions of this Act, nor more than one witness to the execution by each party; and instead of such attestation such conveyance of any lands or heritages in Scotland shall be executed with a testing clause, according to the law and practice of Scotland; and, being recorded within sixty days of the date thereof in the general register of seisins or particular register for the county or stewartry in which the lands or heritages lie, shall, without actual seisin, be valid and effectual in law to all intents and purposes, and shall be a complete bar to

(*a*) See 12 & 13 Vict. c. 49, sect. 3, p. 390; 14 & 15 Vict. c. 24, sect. 1, p. 393.

(*b*) See 7 & 8 Vict. c. 37, sect. 3, p. 388.

all other rights, titles, trusts, interests, and incumbrances to, in, or upon lands or heritages so conveyed.

Application of purchase money for land sold by any ecclesiastical corporation sole.

XI. And be it enacted, that where any land shall be sold by any ecclesiastical corporation sole for the purposes of this Act, and the purchase money to be paid shall not exceed the sum of twenty pounds, the same may be retained by the party conveying, for his own benefit; but when it shall exceed the sum of twenty pounds it shall be applied for the benefit of the said corporation, in such manner as the bishop in whose diocese such land shall be situated shall, by writing under his hand, to be registered in the registry of his diocese, direct and appoint; but no person purchasing such land for the purpose aforesaid shall be required to see to the due application of any such purchase money.

Application of purchase money for lands sold in Scotland.

XII. And be it enacted, that the price of any lands or heritages to be sold for the purposes of this Act by any heir of entail or other incapacitated person or persons in Scotland shall be applied and invested in such and the like manner as is directed in relation to any monies awarded to be paid for lands or heritages belonging to heirs of entail or incapacitated persons under an Act passed in the first and second years of the reign of His late Majesty King William the Fourth, intituled An Act for amending and making more effectual the Laws concerning Turnpike Roads in Scotland.

1 & 2 W. 4, c. 43.

Ecclesiastical corporations to procure a certificate as to the extent of the land conveyed.

XIII. And be it enacted, that when any ecclesiastical corporation sole below the dignity of a bishop shall grant any land belonging to him in right of his corporation for the purposes of this Act, he shall procure a certificate, under the hands of three beneficed clergymen of the diocese within which the land to be conveyed shall be situate, as to the extent of the land so conveyed, to be endorsed on the said deed; which certificate shall be in the form following; (that is to say,)

Form of certificate.

"We, *A.B.* clerk, rector of the parish of *C.D.* clerk, rector of the parish of and *E.F.* clerk, vicar of the parish of being three beneficed clergymen of the diocese of do hereby certify, that clerk, rector of the parish of within the said diocese of being about to convey a portion of land situate in the said parish of for the purposes of a school, under the powers of the Act passed in the year of the reign of Her Majesty Queen Victoria, intituled An Act for affording further facilities for the Conveyance and Endowment of Sites for Schools, we have at his request inspected and examined the portion of land, and have ascertained that the same is situate at [*here describe the situation*], and that the extent thereof does not exceed acre . As witness our hands, this day of at in the county of and diocese of .

"Witness of ."

And until such certificate shall have been signed no such conveyance shall have any force or validity.

Trustees empowered to sell or exchange lands or buildings.

XIV. And be it enacted, that when any land or building shall have been or shall be given or acquired under the provisions of the said first-recited Act or this Act, or shall be held in trust for the purposes aforesaid, and it shall be deemed advisable to sell or exchange the same for any other more convenient or eligible site, it shall be lawful for the trustees in whom the legal estate in the said land or building shall be vested, by the direction or with the consent of the managers and directors of the said school, if any such there be, to sell or exchange the said land or building, or part thereof, for other land or building suitable to the purposes of their trust, and to receive on any exchange any sum of money by way of effecting an equality of exchange, and to apply the money arising from such sale or given on such exchange in the purchase of another site, or in the improvement of other premises used or to be used for the purposes of such trust; provided that where the land shall have been given by any ecclesiastical corporation sole the consent of the bishop of the diocese shall be required to be given to such sale or exchange before the same shall take place: Provided also, that where a portion of any parliamentary grant shall have been or shall be applied towards the erection of any school, no sale or exchange thereof shall take place without the consent of the Secretary of State for the Home Department for the time being.

All conveyances of land under 6 & 7 W. 4, c. 70, to be deemed effectual for vesting the fee simple.

XV. And whereas in many cases conveyances of land have been made, purporting to be made in pursuance of the powers of the said first-recited Act, to the minister or incumbent and the churchwardens or chapelwardens of certain parishes or places, as and for sites of schools or houses of residence for the schoolmasters; and doubts have been entertained whether such conveyances are valid and effectual for the purposes of conveying the fee simple, in consequence of the said statute not containing any words of limitation to the successors of such persons; be it therefore enacted, that all conveyances whereby any land shall have been conveyed to the minister or incumbent and the churchwardens or chapelwardens of any parish or place for the time being, whether made to them as such minister or incumbent and churchwardens or chapelwardens, or to them and their successors, shall be deemed and taken to have been and shall be valid and effectual for the purpose of vesting the fee simple, or such other estate as hath been proposed to be conveyed, in the persons who from time to time shall be the minister or incumbent and the churchwardens or chapelwardens of such place, such minister being the rector, vicar, or perpetual curate, whether endowed or not, of the said parish or place.

XVI. [*Certain conveyances of lands, &c. for purposes of education not enrolled as required by the 9 G. 2, c. 36, rendered valid if enrolled within twelve months from the passing of this Act. Proviso*

for deeds avoided in any suit.—Repealed by Stat. Law Rev. Act (No. 2), 1874.]

No schoolmaster to acquire a life interest by virtue of his appointment.

XVII. And be it enacted, that no schoolmaster or schoolmistress to be appointed to any school erected upon land conveyed under the powers of this Act shall be deemed to have acquired an interest for life by virtue of such appointment, but shall, in default of any specific engagement, hold his office at the discretion of the trustees of the said school.

Justices of the peace or sheriffs to give possession of schoolrooms, &c. in case of the refusal of the master.

XVIII. And for the more speedy and effectual recovery of the possession of any premises belonging to any school which the master or mistress who shall have been dismissed, or any person who shall have ceased to be master or mistress, shall hold over after his or her dismissal or ceasing to be master or mistress, be it enacted, that when any master or mistress, not being the master or mistress of any grammar school within the provision of the Act of the last session of Parliament herein-after mentioned, holding any schoolroom, schoolhouse, or any other house, land, or tenement, by virtue of his or her office, shall have been dismissed or removed, or shall have ceased to be master or mistress, and shall neglect or refuse to quit and deliver up possession of the premises within the space of three calendar months after such dismissal or ceasing to be master or mistress, not having any lawful authority for retaining such possession, it shall be lawful for the justices of the peace acting for the district or division in which such premises are situated, in petty sessions assembled, or any two of them, or for the sheriff of the county in Scotland, and they are hereby required, on the complaint of the trustees or managers of the said school, or some one of them, on proof of such master or mistress having been dismissed or removed, or having ceased to be such master or mistress, to issue a warrant under their hands and seals, or under the hand of such sheriff in Scotland, to some one or more of the constables and peace officers of the said district or division, or of the sheriff's officers in Scotland, commanding him or them, within a period to be therein named, not less than ten nor more than twenty-one clear days from the date of such warrant, to enter into the premises, and give possession of the same to the said trustees or managers or their agents, such entry and possession being given in England in such manner as justices of the peace are empowered to give possession of any premises to any landlord or his agent under an Act passed in the second year of the reign of Her present Majesty, intituled An Act to facilitate the Recovery of Possession of Tenements after due Determination of the Tenancy. 1 & 2 Vict. c. 74.

Powers granted to the Commissioners under 3 & 4 Vict. c. 60, for

XIX. And whereas by an Act passed in the last session of Parliament, intituled An Act to further amend the Church Building Acts, provision was made to enable Her Majesty's commissioners for building new churches to apply land in any parish granted to them for any of the purposes of the Church Building Acts to any

applying land to ecclesiastical purposes extended to land granted by way of gift.

other ecclesiastical purposes, or for the purpose of any parochial or charitable school, or any other charitable or public purpose relating to any such parish or place: and whereas through an accidental omission such provision does not extend to cases of land granted by way of gift; be it therefore enacted, that such power so given to the said commissioners, so far as it is applicable to the purposes of any school, shall extend to every case of land granted, given, or conveyed to them under the authority of the several Acts in the said Act recited.

Definition of the term "parish."

XX. And be it enacted, that the term "parish" in this Act shall be taken to signify every place separately maintaining its own poor, and having its own overseers of the poor and church or chapel wardens.

Act not to extend to Ireland.

XXI. And be it enacted, that this Act shall not extend to Ireland.

Act not to affect 1 & 2 Vict. c. 87, or 3 & 4 Vict. c. 48.

XXII. And be it enacted, that nothing herein contained shall repeal or affect [*an Act passed in the second year of the reign of Her present Majesty, intituled An Act to facilitate the Foundation and Endowment of Additional Schools in Scotland, or* (*a*)] another Act passed in the last session of Parliament, intituled An Act to enable Proprietors of Entailed Estates in Scotland to feu or lease on long Leases portions of the same for the building of Churches and schools, and for Dwelling-houses and Gardens for the Ministers and Masters thereof.

XXIII. [*Act may be amended, &c. this session.*—Repealed by Stat. Law Rev. Act (No. 2), 1874.]

SCHOOL SITES ACT, 1844.

7 & 8 VICT. c. 37.

An Act to secure the Terms on which Grants are made by Her Majesty out of the Parliamentary Grant for the Education of the Poor; and to explain the Act of the fifth year of the reign of Her present Majesty, for the Conveyance of Sites for Schools. [18*th July*, 1844.

Whereas during several years last past divers sums of money have been granted by Parliament to Her Majesty, to be applied for the purpose of promoting the education of the poor in Great Britain, and similar grants may hereafter be made: and whereas Her Majesty hath appointed a committee of her council to receive applications for assistance from such grants, and to report thereon, and to advise her as to the terms and conditions upon which such assistance shall be granted, and many such reports have been made,

(*a*) Words in italics repealed by Stat. Law Rev. Act (No. 2), 1874.

and approved of by Her Majesty, and the terms and conditions having been assented to by the applicants, grants have been made out of the said fund: and whereas in some cases, by reason of the deeds of endowment of schools in respect of which such applications have been received having been executed before the grant has been made, such terms and conditions have not and cannot be made permanently binding on the estate; but the parties promoting the said schools have entered into personal obligations or assurances for the due performance of such terms and conditions, though deriving no beneficial interest from the charitable institution which they have established; and it is desirable to provide permanent security to Her Majesty and her successors for the due fulfilment of the terms and conditions, and to relieve the parties from the personal liabilities so entered into for the purpose aforesaid: be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that where any grant hath been made or shall hereafter be made out of any sums of money heretofore granted or hereafter to be granted by Parliament for the purposes of education in Great Britain, under the advice of any committee of the council on education for the time being, upon terms and conditions to provide for the inspection of the school by an inspector appointed or to be appointed by Her Majesty and her successors, which shall not be inserted in the conveyance of the site of the school, or in the deed declaring the trusts thereof, and such grant shall be made in aid of the purchase of the site, or of the erection, enlargement, or repair of the school, or of the residence of the master or mistress thereof, or of the furnishing of the school, such terms and conditions shall be binding and obligatory upon the trustees or managers of the said school or other the premises for the time being in like manner and to the like effect as though they had been inserted in the conveyance of the site of the said school, or in the declaration of the trusts thereof; and henceforth all personal obligations entered into for the purpose of securing the fulfilment of such terms and conditions shall, so far as they relate thereto, but no further, be null and void: Provided nevertheless, that such terms and conditions shall have been or shall be set forth in some document in writing, signed by the trustees of the said school or the major part of them, or by the party or parties conveying the site, in the case where there shall have been a voluntary gift thereof.

The terms and conditions upon which parliamentary aid has been given towards the building of schools secured upon the site.

II. And whereas there are many endowments for the purpose of education of the poor in Great Britain of ancient date, the schools whereon have become dilapidated, and, the funds of such endowment being insufficient for the restoration thereof, application is made by the trustees, or by the persons acting in the discharge of the trusts

The terms upon which aid shall be granted to trustees of ancient endowed schools.

thereof, for aid out of the said parliamentary grant, but the same hath been declined, because such applicants could not impose upon their lawful successors in the said trust the conditions which the said committee would have advised Her Majesty to require to secure the due inspection of such schools, and it is expedient to enable them to do so; be it therefore enacted, that where the major part of the trustees of any endowed school for the education of the poor duly appointed under the terms of the deed of endowment, or, when such deed cannot be found or cannot be acted upon, of the persons who shall be in the possession of the endowment, and shall be acting in the execution of the trusts or the reputed trusts thereof, shall, and in cases where there shall be a visitor of such school with the consent of such visitor in writing, apply for aid out of such parliamentary grant to enable them to rebuild, repair, or enlarge the school belonging to such endowment, or the residence of the master or mistress thereof, or to furnish such school, and shall in writing assent to the said school being open to inspection on behalf of Her Majesty and her successors, if the said committee shall deem fit to advise that any such grant shall be made, it shall immediately after the making of such grant, and thenceforth from time to time, be lawful for any inspector of schools appointed by Her Majesty and her successors, in conformity with the terms contained in the writing testifying such consent as aforesaid, to enter the said school at all reasonable hours in the day for the purpose of inspecting and examining the state and condition of the school and the scholars thereat, and of making such report thereon, as he shall deem fit.

Death of donor within twelve calendar months not to avoid grant. 9 G. 2, c. 36.

III. And whereas by an Act passed in the fifth year of the reign of Her present Majesty, intituled An Act to afford further facilities for the Conveyance and Endowment of Sites for Schools, it is enacted, that any person, being seised in fee simple, fee tail, or for life of and in any manor, or lands of freehold, copyhold, or customary tenure, may grant, convey, or enfranchise, and subject to the provisions therein mentioned, any quantity not exceeding one acre of land as a site for a school or otherwise, as therein likewise specified; and it is desirable to prevent any such grant, being of so limited an interest, from being defeated by the death of the grantor; be it enacted, that where any deed shall have been or shall be executed under the powers and for the purposes contained in the said Act, without any valuable consideration, the same shall be and continue valid, if otherwise lawful, although the donor or grantor shall die within twelve calendar months from the execution thereof (*a*).

Site may be granted to the minister and churchwardens

IV. And whereas it was provided by the said Act that grants of land or buildings, or any interest therein, for the purposes of the education of poor persons, might be made to the minister of any

(*a*) See also 12 & 13 Vict. c. 49, sect. 4, p. 39.

parish, being a corporation, and the churchwardens or chapelwardens and overseers of the poor and their successors, and it is sometimes found inexpedient or impracticable to introduce the overseers as parties to the legal estate; be it therefore enacted, that such grants may be made to the minister and churchwardens of any parish, such minister being the rector, vicar, or perpetual curate thereof, whether endowed or not, to hold to them and their successors, subject to the provisions contained in the deed of conveyance thereof for the management, direction, and inspection of the school and premises.

Rector, vicar, or perpetual curate may grant to the minister and churchwardens, or to the minister, churchwardens, and overseers of his parish.

V. And be it enacted, that if the rector, vicar, or perpetual curate of any parish shall be desirous of making a grant of any land for the purposes and under the powers of the said Act, being part of the glebe or other possessions of his benefice, and shall, with the consent of the patron of the said benefice, and of the bishop of the diocese within which the same shall be situated, grant the same to the minister and church or chapel wardens, or to the minister, church or chapel wardens, and overseers of the poor of the said parish, such grant shall be valid, and shall thenceforth enure for the purposes of the trust set forth therein, if otherwise lawful, notwithstanding such minister is the party making the grant.

VI. [*Act may be altered this session.*—Repealed Stat. Law Rev. Act (No. 2), 1874.]

SCHOOL SITES ACT, 1849.

12 & 13 VICT. C. 49.

An Act to extend and explain the provisions of the Acts for the Granting of Sites for Schools. [*28th July*, 1849.

Whereas by an Act passed in the fifth year of the reign of Her Majesty provisions are made for facilitating the erection of schools and buildings for the education of poor persons, which said Act hath been since explained and extended by an Act of the eighth year of the reign of Her Majesty; and it is expedient that further facilities should be afforded for the conveyance of lands for sites for schools in cases where such lands are comprised with other lands in leases, and that some amendments should also be made in the said Acts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that if part only of any lands comprised in a lease for a term of years unexpired shall be conveyed or agreed to be conveyed for the purposes of the said firstly hereinbefore mentioned Act, the rent payable in respect of the lands

Where part only of lands under lease conveyed, the rent, and fine

upon renewal of lease, may be apportioned.

comprised in such lease, and any fine certain or fixed sum of money to be paid upon any renewals thereof, or either of such payments, may be apportioned between the part of the said lands so conveyed or agreed to be conveyed and the residue thereof; and such apportionment may be settled by agreement between the parties following, that is to say, the lessor or other the owner subject to such lease of the lands comprised therein, the lessee or other the party entitled thereto by virtue of such lease or any assignment thereof for the residue of the term thereby created, and the party to whom such conveyance as aforesaid for the purposes of the said firstly herein-before mentioned Act is made or agreed to be made; and when such apportionment shall so be made it shall be binding on all under-lessees and other persons and corporations whatsoever, whether parties to the said agreement or not.

Liabilities of tenants, and remedies of landlords, as to the lands not conveyed.

II. And be it enacted, that in case of any such apportionment as aforesaid, and after the lands so conveyed or agreed to be conveyed as aforesaid shall have been conveyed, the lessee, and all parties entitled under him to the lands comprised in the lease not included in such conveyance, shall, as to all future accruing rent, and of all future fines certain or fixed sums of money, to be paid upon renewals, be liable only to so much of the rent and of such fines or sums of money as shall be apportioned in respect of such last-mentioned lands; and the party entitled to the rent reserved by the lease shall have all the same rights and remedies for the recovery of such portion of the rent as last aforesaid as previously to such apportionment he had for the recovery of the whole rent reserved by such lease; and all the covenants, conditions, and agreements of such lease, except as to the amount of rent to be paid, and of fines or sums of money to be paid upon renewals, in case of any apportionment of the same respectively, shall remain in force with regard to that part of the land comprised in the lease which shall not be so conveyed as aforesaid, in the same manner as they would have done in case such part only of the land had been included in the lease.

The same person may grant several sites for schools in the same parish if the whole extent do not exceed certain limits. 4 & 5 Vict. c. 38, s. 9.

III. And whereas by the said first-recited Act power is given to any person or corporation to grant any number of sites for distinct and separate schools; but after providing that the site of each school and residence do not exceed one acre, it is also provided that not more than one such site shall be in the same parish (*a*); and doubts have been entertained as to the meaning of this last-recited proviso: be it therefore declared and enacted, that nothing in the said Act contained shall prevent any person or corporation from granting any number of sites for separate and distinct schools in the same parish (*a*), provided the aggregate quantity of land granted by such person in the same parish (*a*) shall not exceed the extent of one acre.

(*a*) See 14 & 15 Vict. c. 24, p. 392.

Grants of land for sites of schools by owners or tenants in tail to be valid, although grantor die within twelve months.

IV. And whereas it would be expedient that the absolute owners of land and tenants in tail in possession should have the power of granting land to a limited extent for the purpose of erecting sites for schools to be applied and used in and for the education and instruction of persons intended to be masters or mistresses of elementary schools for poor persons, without any risk of such grant being defeated by the death of the grantor: be it therefore enacted, that it shall be lawful for all persons, being such absolute owners or tenants in tail in possession as aforesaid, to grant, convey, or enfranchise, by way of gift, sale, or exchange, any quantity of land, not exceeding in the whole five acres, to any corporation sole or aggregate, or to several corporations sole, or to any trustees whatsoever, to be held, applied, and used by such corporation or corporations or trustees in and for the erection of school buildings and premises thereon for the purpose of educating and instructing, and of boarding during the time of such education and instruction, persons intended to be masters or mistresses of elementary schools for poor persons, and for the residence of the principal or master or mistress and other officers of such institution; and such gift, sale, or exchange shall be and continue valid, if otherwise lawful, although the donor or grantor shall die within twelve calendar months from the execution thereof; Provided always, that it shall be lawful for the trustees of such school buildings and premises to allow the same to be applied and used, concurrently with the education and instruction of such masters or mistresses, for the purpose of boarding other persons, and of educating and instructing the said persons in religious and useful knowledge.

The owners of land empowered to vest any quantity of land for purposes of these Acts in corporations.

V. And whereas the absolute owners of land may grant, subject to the regulations and provisions prescribed by the statutes in such behalf, any quantity of such land to trustees, to be held upon charitable purposes; and it would be beneficial that they should be authorised to exercise such power in respect of lands granted for the sites or for the endowment of the last-mentioned schools, or of schools for poor persons, by vesting the same so as to secure it permanently for the purpose of the trust, without the necessity of subsequent renewals of the deeds of trust: be it therefore enacted, that where any such person shall be lawfully entitled to convey an estate in land to trustees, to hold the same upon any charitable use, and shall be desirous of conveying the same for the purposes of the Acts herein-before referred to, or this Act, or for the endowment of such schools, such person may grant and convey the same to any corporation or corporations as aforesaid, to be held in trust for such purposes, whatever may be the quantity of land or extent of the estate so to be granted and conveyed.

Mode of conveying the lord's interest and that of the

VI. And be it enacted, that where land of copyhold or customary tenure shall have been or shall be granted for the purposes of the said Acts, the conveyance of the same by any deed wherein the

copyholder in copyhold land.

copyholder shall grant and convey his interest, and the lord shall also grant his interest, shall be deemed to be valid and sufficient to vest the freehold interest in the grantee or grantees thereof without any surrender or admittance or enrolment in the lord's court.

Interpretation clause.

VII. And be it enacted, that, except in cases where there shall be something in the subject or context repugnant to such construction, words occurring in this Act and the above-recited Acts importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; and words importing the masculine gender only shall include females; and the word "land" shall include messuages, houses, lands, tenements, hereditaments, and heritages of every tenure; and the word "lease" shall include an under-lease, agreement for a lease, and missive of lease; and the word "owner" shall include any person or corporation enabled under the provisions of the said firstly hereinbefore mentioned Act to convey lands for the purposes thereof.

VIII. [*Act may be amended, &c.*—Repealed by Stat. Law Rev. Act (No. 2), 1875.]

SCHOOL SITES ACT, 1851.

14 & 15 Vict. c. 24.

An Act to amend the Acts for the granting of Sites for Schools.

[*24th July*, 1851.

Whereas by the statute fourth and fifth Victoria, chapter thirty-eight, power is given to divers persons therein mentioned to grant, convey, and enfranchise a certain portion of land for the purpose of a site for a school for the education of poor persons, or for the residence of a schoolmaster or schoolmistress, or otherwise for the education of poor persons in religious and useful knowledge, and provisions are contained therein for facilitating the conveyance of such sites and perpetuating the trusts of the deeds: and whereas the persons therein mentioned having been authorised to grant any number of sites for distinct and separate schools, and residences for the master or mistress thereof, it is provided that the site of each school and residence should not exceed the extent of one acre, and it is also provided that not more than one such site should be in the same parish: and whereas by the twelfth and thirteenth Victoria, chapter forty-nine, it is declared and enacted, that nothing in the last-recited Act contained should prevent any person or corporation from granting any number of sites for separate and distinct schools in the same parish, provided the aggregate quantity of land granted by such person in the same parish should not exceed the extent of one acre: and whereas by reason of the great extent

of some parishes, wherein the population is very large, this limitation is found to be productive of inconvenience, and to prevent the extension of the education of the poor; and it is desirable to make further provision in this behalf: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

The word parish in the 4 & 5 Vict. c. 38, s. 9, and 12 & 13 Vict. c. 49, s. 3, to signify an ecclesiastical district in any divided parish.

I. The word parish in the sections of the statutes herein referred to shall, in the case of any parish which has heretofore been or shall hereafter be divided by lawful authority into two or more ecclesiastical districts, whether confined to such parish, or comprising also any part of another parish, be construed with reference to such parish to signify each such ecclesiastical district.

Incorporation of this Act with recited Acts.

II. This Act shall be construed as and be deemed to be a part of the said recited Acts, except so far as it amends the same.

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MEMORANDUM.

BOARD OF EDUCATION,
WHITEHALL, S.W.
20th December, 1902.

EDUCATION ACT, 1902, SECTION 11(*a*).

FOUNDATION MANAGERS.

1. The Education Act, 1902, materially alters the conditions under which voluntary public elementary schools are at present managed, and this preliminary memorandum has been prepared by the Board of Education in order to assist owners, trustees, and managers of such schools to decide whether they will apply for an order under section 11 of the Act, and in order to facilitate the work of making and considering such applications. It must be regarded as subject to such modification as further experience may show to be necessary.

New conditions of management. Local authorities' managers. "Foundation managers' managers."

2. Every such voluntary school will henceforth be managed by a body normally consisting of six persons, of whom four will be "foundation managers" representing the interests of those by whom the school was established or is at present managed. The manner of their appointment under the Act is the chief subject of this memorandum. The remaining two managers will be representative of local authorities. (As regards the possibility of a larger number of managers than six, see below, par. 17 (a).) The "foundation managers" will, although appointed in a different manner, act together with the two other managers for all the purposes of conducting a public elementary school and with them will compose the body which is spoken of in the Act as "the managers of the schools."

"Foundation managers" must be appointed.

3. If the school has a "trust-deed" (an expression explained below, par. 6), and the deed permits of the appointment of four foundation managers and gives sufficient and practicable directions as to the manner of their appointment, the intervention of the Board will not usually be required, and the present managers will only have to see that four such managers are properly appointed to act with the two other managers. If, however, this is not the case, then the proper course for the present owners or trustees or managers is to apply to the Board of Education for an order under section 11 of the Act for the purposes of meeting the case. It is expected that such an order will be found necessary for a large majority of voluntary schools. Any failure to make or delay in making application where such is necessary, may result in serious embarrassment and inconvenience to the district served by the school.

(*a*) See also Memorandum of 26th February, 1903, p. 436.

If the owners or trustees or managers do not think fit to apply to the Board for such an order within three months of the passing of the Act, the local education authority, or any person interested, may after that period make application.

Trustees and managers have no power to close schools.

4. It is to be remembered that (except in the case of such privately-owned schools as are the absolute property of the owner, and are subject to no trusts whatsoever), managers and trustees of elementary schools usually hold the school premises upon trust, either themselves to carry on a school therein or to permit it to be carried on. It is therefore not open to either body, or even to both bodies acting together, to close the school as or when they please. An attempt to close the school capriciously or for insufficient reasons may involve the consequences attendant on a breach of trust. If trustees or managers are unable or unwilling to carry on the school it is their duty at once to apply to the Board of Education (who for this purpose may exercise the powers formerly possessed by the Charity Commissioners) to be relieved of their trust or for direction in the matter.

The following paragraphs of this memorandum assume that it is intended to carry on the school in accordance with the trusts, except in so far as those trusts are modified by the Act.

Section 11.

5. Section 11 provides that "if it is shown to the satisfaction of the Board of Education that the provisions of the trust-deed as to the appointment of managers are in any respect inconsistent with the provisions of this Act, or insufficient or inapplicable for the purpose, or that there is no such trust-deed available, the Board of Education shall make an order under this section for the purpose of meeting the case."

Trust-deeds.

6. Under section 24 (5) the expression "trust-deed" includes "any instrument regulating the trusts or management of a school."

For the purposes of the Act therefore the term "trust-deed" includes not only deeds in the ordinary sense, but also any of the following instruments if they provide for the appointment of trustees or give directions for the management of a school or its endowment, viz.:—

i. Orders of the Court of Chancery;

ii. Orders of a county court under the Charitable Trusts Acts, 1853 and 1860;

iii. Orders of the Charity Commissioners;

iv. Schemes made under the Endowed Schools Acts;

v. Schemes made by the Education Department under section 75 of the Elementary Education Act of 1870;

vi. In the case of privately-owned schools, a lease or agreement in writing by which a school is let to managers for the purposes of a school *may be usually regarded as a trust-deed*, and any trust declared therein attaches to the whole of the tenants'

interest whatever it may be. The proper course of action in such cases is indicated below (paragraph 11).

Who may apply.

7. Application for an order under section 11 may be made within three months of the passing of the Act by "the existing owners, trustees or managers of a school." The trustees are those persons in whom the property in the school premises is now vested. These persons may also be entitled to act as managers, but in the case of most elementary schools the two bodies are distinct.

For the purposes of this Act it is indifferent whether the application is made by the trustees or by the managers, but in any case the application should be signed by a majority of the body which applies. It is also obviously desirable that before applying the managers and trustees should consult one another, and also the owner if there is one.

Form of application.

8. Application should be made on the special form provided for the purpose (Form E. A. 2), and it is important that full information under the several heads should be given. Any failure to supply the information required may lead to considerable delay in dealing with the case. Applications should be either sent directly to the Secretary, Board of Education, Whitehall, or transmitted through the secretary of any voluntary school association to which the school may belong. The latter course is perhaps the most convenient, in order that the applications may reach the Board in batches corresponding to geographical or administrative divisions, and that time may be saved in dealing with them.

Recommendations.

9. In cases where an order is required (see below, par. 17) to adapt the provisions of the deed to the new conditions of management created by the Act, and where the trust-deed departs from the usual type or contains unusual provisions as to the management of the school, it is desirable that special recommendations should be made by the applicant as to the provisions to be embodied in the order. In other cases recommendations may conveniently be made (in the case of denominational schools) in or by reference to one of the forms adopted by the National Society, or associations of Church of England, Roman Catholic, Wesleyan, or other schools. It is desirable that where schools have trust-deeds of a similar type uniformity in the provisions relating to the appointment of foundation managers should be secured, as far as is possible consistently with due regard to the trust-deed and local circumstances.

No deed, but implied trusts.

10. Where there is no trust-deed and the school is not claimed as private property, but is held on implied trusts (*i.e.* such as may be presumed from usage), it is undesirable that the persons now managing the school should attempt to make a trust-deed; they should either apply to the Board for an order under section 11 of the Act, or, in case of doubt or difficulty as to their rights and duties, for direction under the Charitable Trusts Acts.

Existing lease.

11. Where school premises are held by lease or agreement from

a private owner, it is not open to the owner, pending the term of the tenancy, to modify the trusts on which the premises are held. In such cases, if the conditions of letting do not allow of the appointment of the number of foundation managers required by the Act, it is the duty of the owner or the managers to apply to the Board for an order under section 11 (see also below, paragraph 14).

Defective deed

12. In cases of doubt or difficulty where the trust-deed is defective or insufficient in any particulars, the trustees should not attempt to supplement it by a new deed, but should apply for direction to the Board of Education (exercising the powers formerly belonging to the Charity Commissioners in respect of purely educational endowments).

Schen

13. The defects in a deed may be cured by an order under section 11; where this is not possible it is open to the trustees to apply to the Board of Education for a scheme, but no schemes will be made at present unless it is clearly shown that an order would be insufficient to secure the proper management of the school.

No trusts—schools which are absolute property of owner.

14. Where school premises are the property and in the possession of a private owner free from any trusts, express or implied, for educational purposes, several courses are open to him.

i. He may retain them in his own hands and as his absolute property, permitting them to be used by managers appointed by himself. In this case, as there is no trust-deed, he will have to apply to the Board of Education for an order appointing foundation managers. This course is perhaps the least convenient (*a*).

ii. He may execute a declaration of trust making himself, either alone or jointly with others, trustee of the school, either in perpetuity or for a fixed period.

iii. He may convey the school to trustees in perpetuity.

iv. He may let the school to managers by lease or agreement for a term of years, or from year to year, at a nominal or a substantial rent. This rent must now be paid by the managers out of funds other than those provided by the local education authority, and must not be charged in the school accounts.

In the second, third, and fourth cases above-mentioned he may insert in the trust-deed, lease or agreement, such provisions as to management and mode of appointing managers as he thinks fit. If these provisions are consistent with and sufficient for the purposes of the Act, no order under section 11 will be required. It is obviously desirable that in any case he should act under competent legal advice, and the Board of Education cannot undertake to advise an owner as to the manner in which he should carry out his intention.

It may be noted that if the owner lets the school to a local education authority it becomes a "provided" school subject to the "Cowper-Temple clause," and all the other provisions of the Act

(*a*) See Memorandum 26th February, 1903, p. 436.

applicable to such schools will attach to it. The relations between the owner and the local authority will be merely those of landlord and tenant.

Lost deed.

15. An order under section 11 will be required in all cases where there is no trust-deed or where the trust-deed is not available. Where a trust-deed is known to have existed, every effort should be made to discover it. Where the trust-deed cannot be found, particulars should be given in the application form of any draft, abstract, or other documents from which the trusts of the school may be collected.

Where deed never existed.

16. Where no trust-deed is known to have existed, it is important that full particulars of the usage which has prevailed in the management of the school at different periods should be supplied. The direction contained in section 11 (4) that the Board "shall have regard to . . . the principles on which the education given in the school has been conducted in the past," is specially applicable to such cases.

Order required to supplement deed.

17. It is apprehended that where there is a trust-deed an order will usually be required in the following cases:—

(a) Where the trust-deed contemplates a number of managers either greater or less than four.

Number of foundation managers.

Four is the normal number of foundation managers contemplated by the Act, and will usually be found the most convenient. Under the provisions, however, of section 6 (3) (b), the local education authority may increase the total number of managers, the foundation managers and local authority's managers being proportionately increased. In the circumstances to which section 6 (2) (b) of the Act applies (viz., where the local education authority are the council of a borough or urban district) the number of managers of the two classes respectively might be six and three; but where the local education authority are the council of a county, the number of managers must be increased (if increase is thought desirable) to eight and four respectively, or to some other multiple of four and two. It will probably be found in most cases that twelve is an inconveniently large number of managers. Orders of the Board under section 11 will be so drawn as to meet the case of future increase in the number of managers.

(b) Where the trust-deed gives (i.) no directions as to the appointment of managers, or (ii.) such directions as cannot be fulfilled.

(c) Where by reason of changes in local or other circumstances, the trust-deed has become inapplicable for the purposes of the management of the school, or a strict adherence to the letter of the deed would defeat its intention.

Interim orders.

18. In order to avoid delay in bringing this part of the Act into operation, it is probable that most orders under this section will,

in the first instance, be made in the form of "interim orders," which will not be confirmed until the local education authorities have had time to make preparation for the proper consideration of the notices and draft final orders, which, under the section, will be sent to them as well as to the owners, trustees, and managers.

In ordinary cases, notices and draft final orders will also be sent by the Board of Education to the parish council or parish meeting or other minor local authority of the area in which the school is situated, as representing "other persons interested."

Clerk. 19. It will greatly assist the Board if bodies of trustees and managers will appoint some person to receive and distribute all notices and orders on their behalf.

Additional copies of this Memorandum and of the Form of Application under section 11 *may be obtained, free of charge, from the Board of Education.*

Form E. A. 2.

FORM OF APPLICATION TO THE BOARD OF EDUCATION FOR AN ORDER UNDER SECTION 11 OF THE EDUCATION ACT, 1902.

County
Parish
School
School Number
†Clerk (Name and Address)
Association (if any)
Denomination (if any)

† Name some person authorised to receive draft orders and notices on behalf of the trustees and managers.

* Strike out words not applicable.

The undersigned, being *owners*, *trustees*, *managers** of the said school, and having regard to the statement of facts set out below, do hereby apply to the Board of Education for an order constituting a body of foundation managers under section 11 of the Education Act, 1902.

As witness our hands this day of 1902.

Applicants should state whether they sign as owners, trustees or managers. The application should be signed by at least a majority of the trustees or managers.

†RECOMMENDATIONS.

† Recommendations should be strictly confined to the following space.

The applicants recommend that provisions to the following effect should be embodied in the order :—

Recommendations may be made by reference to forms adopted by the National Society, Roman Catholic, Wesleyan, or other associations of which copies have previously been deposited with the Board of Education (*a*).

STATEMENT OF FACTS.

A.—*Form to be used where there is a Trust-deed or other written Instrument declaring the Trusts.*

1. ‡DEED, state—

(a) date of deed (of conveyance, lease or declaration of trust) ... ...

(b) date of enrolment (if enrolled) (*b*)

(c) whether conveyance purports to be under School Sites Acts and whether voluntary or for valuable consideration

(d) date of any order of Court of Chancery, County Court, Charity Commissioners appointing trustees, or affecting the school or its endowment ... ...

(e) whether the deed is in the form of a model deed of any society or denomination, or places the school in union with the National or any other society ...

(f) name and address of person having the custody of the deed, or the place where it is kept ... ...

‡ If the deed is lost, state whether a draft or abstract is in existence.

[The notes appended were issued by the National Society and only deal with church schools.]

(*a*) The National Society in the case of church schools advise managers to write in the space provided "National Society's Model Form." If this is done, a good workable management clause will be secured, though the details may not always exactly agree with the outline suggested by the model form, seeing that the Board of Education must have regard to the provisions of the existing trust-deeds. The Board of Education will probably proceed in the first instance by interim orders, and it will be possible to adjust some details afterwards. See also Management Clause recommended by the society, p. 82.

(*b*) The enrolment referred to is enrolment in the central office of the Supreme Court. Not all deeds are enrolled. Conveyances of glebe land very often are not. If the deed has been enrolled, a statement to this effect with the date of enrolment will be found endorsed upon the deed.

† This head is to be filled up if the school premises are held by lease or agreement or at will.

2. †OWNER, state—

(a) name and address of owner or lessor or his agent ... ...

(b) date and term of lease or agreement

* If the school premises were conveyed to the vicar, churchwardens or overseers, and their successors or any of them, it is sufficient to state this fact, and the three following heads (b) (c) (d) need not be filled up, unless the deed has been modified by scheme (*a*).

TRUSTEES, state—

*(a) who were the Trustees appointed by the deed or the persons to whom the school premises were conveyed or leased

(b) directions given by the deed as to future appointment of trustees

(c) date of last instrument or order appointing trustees

(d) names and addresses of present trustees (other than vicar, churchwardens and overseers ex-officio) and mode of appointment ... ...

Repeat School Number

(e) any special powers given to trustees, *e.g.*, powers of acting as or appointing managers

(f) if the trustees of the school are *as such* trustees of any endowment applicable in connection with the school, the name of such endowment (*b*)

(g) if the original trust-deed has been modified by any scheme, particulars of such scheme

(*a*) Where the trust-deed vests the school in (1) the minister, churchwardens, and overseers, (2) the minister and churchwardens, (3) the minister, (4) the bishop, (5) the archdeacon, (6) the National Society, (7) the diocesan trustees or (8) other trustees having a corporate character, there is no need to make any statement under heads (b) and (c) unless the deed has been modified by scheme, and as a rule there will be no need to make any statement under (d).

(*b*) As regards head (f) it should be noted that the name of the endowment is asked for only if the trustees of the school are *as such* trustees of the endowment.

4. MANAGERS, state—

(a) full number of managers, and the mode of appointment and qualifications *prescribed by deed* (*a*),

	Full number.	
i.e., ex-officio		state qualifying office ...
nominated		state by whom nominated
elected		state by whom elected ...
TOTAL		denominational qualification of electors ...
		qualifying subscription of electors ... ...
		denominational qualification of managers ...
		qualifying subscription of managers ... ...

(b) whether the chairman of the managers is elective or ex-officio ... ...

(c) names and addresses of present managers—

(i.) legally appointed under deed

(ii.) acting Managers not legally appointed, giving mode of appointment ... ...

(d) any special powers given to managers

---

5. SUBSCRIBERS AND DONORS (*b*), state—

	1900	1901	1902
(a) number of subscribers of			
(i.) amount specified in deed ...			
(ii.) sums of 2*s.* 6*d.* and upwards in each of last three years.			

(*a*) It should be carefully noted that the managers mentioned under heads (a), (b), and (c) (i.) are the *managers prescribed by the deed*. If the actual body of managers includes managers not legally appointed in accordance with the terms of the trust-deed, their names and addresses are to be given under (c) (ii.).

If the original trust-deed of the school has been modified by any scheme, and that scheme includes provisions for the appointment of managers, the word "deed" in (a) should be struck out and "scheme" substituted for it, and the particulars of the management clause in the scheme should be set forth, and not those, if any, of the original deed.

Under (d) should be entered any special powers, such as the power to draw up the rules and regulations, the power of appointing a ladies' committee, and the like.

(*b*) "Subscribers of amount specified in the deed" refers to the facts enumerated under section 4 on page 3 of the form—namely, qualifying subscription of electors and qualifying subscription of managers. The lesser amount—*i.e.*, the qualifying subscription of electors—is here asked for. The number

(b) number of surviving donors of £5 in one sum and upwards to the funds of the school or towards purchase of site and erection or extension of buildings ...

(c) names of societies who have contributed £10 in one sum and upwards

---

* This head need not be filled up in the case of schools united *by deed* with the National Society.

*6. CHARACTER OF SCHOOL AND INSTRUCTION (*a*), state—

(a) any general directions of the deed as to principles on which the school is to be conducted

---

(b) any directions of the deed as to religious instruction and the persons by whom it shall be given or superintended

---

† The particulars asked for in the following Form B. 3 should be given here.

(c) †if there are no directions as to religious instruction, state the usage which has prevailed during the last 20 years

---

The statement of facts should be certified by one of the trustees or managers of the school or by some person appointed by them.

I certify that the above statement is correct to the best of my knowledge.

Signature

Address

given will, of course, include the subscribers of larger amounts. In cases where a voluntary rate has been raised for the support of the school, those who have paid the voluntary rate must be reckoned as subscribers.

The number entered under (a) (ii.) should include the number entered under (a) (i.).

The societies entered under (c) will usually be the National Society and the diocesan boards. The Voluntary Schools Association must not be set down here on account of aid-grant received by the school.

(*a*) If the trust-deed does not contain the National Society's union clause it may give precise directions that the school is to be a Church of England school. All such should be stated here under (a).

If there be not room in the space provided, the facts may be recorded on page 7 of the Form (see p. 406), and a reference to that page should be inserted under (a). (c) is to be filled up only when the deed contains no directions as to religious instruction. Some schools which are, and always have been, church schools beyond question have deeds of this character. Sometimes the school site has actually been given from the glebe and is vested in the archdeacon or the bishop, and yet no direction as to the religious instruction is given in the deed. The reason for the omission was that no directions were thought to be necessary. The evidence of old minute-books, of diocesan inspection, and the like, will be useful in cases of this kind.

The certificate as to the truth of the statement of facts is to be signed "by one of the trustees or managers of the school or by some person appointed by them." It will be well for the person signing to state after his signature whether he is a trustee, a manager, or has been appointed by them to sign.

B.—*Form to be used where there is no Trust-deed or other written Instrument declaring the Trusts.*

1. ORIGIN OF SCHOOL, state—

(a) earliest date at which the school is known to have existed ... ...

(b) mode of establishment of school, if known

(c) subsequent history of school, giving dates and particulars of expenditure on buildings, and the sources from which it was provided

---

(d) date and effect of any order of the Court of Chancery, County Court or Charity Commissioners relating to the school, its endowments, or management

---

2. MANAGERS, state—

(a) names, addresses, and mode of appointment of persons now acting as managers ...

(b) manner in which vacancies among managers have usually been filled up

---

3. CHARACTER OF SCHOOL, state—

(a) whether the school has been united with the National or any other society, and if so, at what date and on what conditions (*a*) ... ...

(b) the usage which has prevailed during at least the last 20 years as regards religious instruction (*b*)

---

e.g., (1.) whether religious instruction has been given in accordance with the principles of the Church of England or any other denomination ... ...

(*a*) In some cases schools without trust-deeds have been aided by grants from the National Society. The condition of such grants has been union with the society. Under (a) should be entered the fact of union with the society and the date and amount of any grant made.

(*b*) Under head (b) should be entered any evidence furnished by old minute-books, the fact of diocesan inspection, and the like.

(ii.) whether it has been superintended by the minister or any other person ex-officio ... ...

(c) any special usage affecting the character of the school (*a*)

4. DONORS AND SUBSCRIBERS (*b*), state—

	1900	1901	1902
(a) numbers of subscribers of sums of 2*s.* 6*d.* and upwards in each of the last three years			
(b) number of surviving donors of £5 in one sum and upwards to the funds of the school or towards purchase of site and erection or extension of buildings			

(c) names of societies who have contributed £10 in one sum and upwards

The statement of facts should be certified by one of the managers or by some person appointed by them.

I certify that the above statement is correct to the best of my knowledge.

Signature

Address

This space may be used for giving any material information or explanations which cannot conveniently be compressed into the above forms. It should not be used for recommendations, which should be strictly confined to the space on page 1.

(*a*) Under head (c) should be entered any evidence furnished by old minute-books, the fact of diocesan inspection, and the like.

(*b*) Notes to sect. 5, *ante*, p. 403, apply "mutatis mutandis."

CIRCULARS AS TO EDUCATION COMMITTEES.

Circular 470.

This Memorandum is intended to set before County Councils such of their powers and duties, and such of the powers and duties of the Board of Education, as it may be desirable for the councils to bear in mind when framing schemes for the establishment of an education committee.

The following notes are limited by this purpose; they are not a summary of the Act, nor do they touch upon several matters in respect of which it may be possible at a later stage for the Board of Education to assist county councils, if invited to do so, by advice, suggestion and co-operation.

The following Memorandum concerns the Council of a County only.

Council of a County.

I.—*Powers and Duties.*

(1) As to higher education.

To consider the needs of the area, and to take such steps as seem to them desirable, after consulting the Board of Education, to supply or aid the supply of education other than elementary.

To promote the co-ordination of all forms of education.

(As to matters included in education other than elementary, see sec. 22 (2) (3), sec. 23 (1) (2).)

(2) As to elementary education.

To take over and exercise the powers and duties of school boards and school attendance committees, and to control all secular instruction in public elementary schools. (Sec. 5.)

To appoint four managers for each school provided by them, (sec. 6 (1),) and also one manager or more for each school not provided by them. (Sec. 6 (2) (a) and (3) (b).)

To maintain and keep efficient all public elementary schools within their area under the conditions set forth in section 7.

To provide such additional school accommodation as may be necessary, subject to the provisions of sec. 8 (1), sec. 16.

II.—*Main Sources of Income.*

A. For higher education.

(1) The residue under 53 & 54 Vict. c. 60, s. 1.

(2) The county rate, which for this purpose must not exceed 2*d.* in the pound unless by consent of the Local Government Board.

(3) Parliamentary grant for instruction in science and art subject to conditions laid down by the Board of Education.

(4) Where a borough or urban district which is a local education authority relinquishes to the county its powers under

part ii. of the Act, an additional rate for that borough or district not exceeding 1*d.* in the pound.

B. For elementary education.

(1) The parliamentary grants payable in respect of public elementary schools.

(2) The aid grant under section 10.

(3) Fees, where the local education authority allows fees to be charged: but in the case of a non-provided school, such proportion only of the fees as is agreed upon under section 14.

(4) The use of the school house in the case of non-provided schools during school hours subject to the provisions of sections 7 (1) (d) as to payment for wear and tear, and for the rent of the teacher's house (if any).

(5) The county rate.

III.—*Manner of Exercise of Powers.*

(a) Every county council shall establish an education committee or committees in accordance with a scheme to be made by the council and approved by the Board of Education.

(b) Every matter relating to the exercise of powers under the Act shall stand referred to the education committee except the power of raising a rate or borrowing money; and the council shall, unless the matter is urgent, consider the report of the committee before acting.

(c) The council may delegate to the committee, under any conditions it pleases, any of its powers under the Act except that of raising a rate or borrowing money.

So the council—

must frame a scheme for the establishment of a committee;

must refer every educational matter to the committee except the raising a rate or borrowing money;

may, in case of urgency, act without awaiting the report of the committee;

may delegate, on any terms it pleases, its powers under the Act to the committee; but

must not delegate its power of raising a rate or borrowing money.

Under all circumstances the council is responsible, whether for its own action, or for that of the committee.

IV.—*The Scheme of Establishment.*

Necessary Provisions.

(1) There must be a majority on the committee of members of the council, unless the council of the county otherwise determine.

(2) The council must appoint:

(a) persons of experience in education.

(b) persons acquainted with the needs of the various kinds of schools within the area.

These may be obtained:—

(a) By selection by the council from among its own members, or from outside, or;

(b) By nomination or recommendation of other bodies where it appears desirable.

(3) There must be at least one woman on the committee.

Optional Provisions.

(a) Among the bodies who may be invited to nominate or recommend are included associations of voluntary schools. Section 17 (3) (b).

(b) Among the persons whom it may be desirable to appoint as members of the first committee are the members of school boards existing at the time of the passing of the Act.

(c) A separate education committee may be established for all or any purposes for any area within a county; or separate education committees may be established, for the whole or any part of a county, to deal with special departments of work. The latter mode of distribution is guarded by the provisions of section 17 (6).

(d) A joint committee may be formed for all or any purposes by a combination of counties, boroughs, or urban districts.

In the case of such a joint committee it is necessary that a majority of the members should be *appointed* by the councils of the counties, boroughs or districts concerned; it does not appear necessary that a majority should be *members* of those councils.

(The formation of such committees may be convenient in the case of boroughs or urban districts which may not desire to relinquish permanently their powers under the Act, but may, nevertheless, desire to work in close co-operation with the county in which they are situated.)

V.—*Nomination or Recommendation of other Bodies.*

It is probable that the representation of certain educational interests within the area of a council may be effected most satisfactorily by the nomination of a member of the committee by some society within the area or representative of some educational interest within the area.

This course may save the council some trouble in selection, and may also be most satisfactory to the society which is to be represented. In other cases it might be more convenient that a society should be invited to recommend a representative, or to

recommend certain persons from among whom the council might choose a representative.

In the case of nomination it must be assumed that the council places itself in the hands of the body whom it invites to nominate.

In the case of recommendation, suggestions might be made on both sides with a view to the choice of some one acceptable to the council and representative of the interest concerned.

In each case the appointment is made by the council, but either method would ensure that the person appointed was considered to be really representative by the interest concerned.

VI.—*Duties of the Board of Education in respect of Schemes.*

(1) To give publicity to the provisions of the proposed scheme. Section 17 (6).

(2) To hold an inquiry if necessary. Section 23 (10).

(3) To be satisfied that where the scheme provides for more than one committee due regard is paid to the importance of co-ordinating all forms of education. (See section 17 (6).)

It would not be desirable to perpetuate the severance of elementary from higher education by the creation of separate committees for each. But it may often be convenient to establish sub-committees which might, under the supervision of the education committee, administer the various forms of education.

(4) In the event of a scheme not having been made, or not having been approved within 12 months after the passing of the Act, to make a provisional order for the purposes of a scheme.

(A ground on which the Board might be asked to withhold its approval of a scheme would be the non-representation or inadequate representation of some of the educational interests within the area. An educational body or association might complain—

(a) That the interests with which it was concerned were wholly unrepresented;

(b) That the person chosen to represent it was not really representative;

(c) That no security was afforded by the scheme for the continuance of its representation.

Points such as these should be carefully considered in framing a scheme.)

VII.—*Further Powers of County Council.*

Delegation to the council of any borough, district or parish, on conditions to be agreed upon, of the powers *of management* which it possesses in respect of any school or college within the area of such borough, district or parish.

Acquisition—by arrangement and with the approval of the Board of Education—of the powers of a borough or urban district which is a local education authority under the Act, and which may relinquish to the county its powers under part ii. or part iii., or both.

VIII.—*Disqualifications.*

The circumstances which would disqualify a person for membership of the council disqualify for membership of the committee appointed by the council (*a*), except that no person is disqualified by his holding office in a school or college aided, provided or maintained by the council.

A person is disqualified for voting in the county council on any question relating only to part iii. if he is elected for a division which consists wholly of a borough or urban district or of a part of such borough or district which is a local education authority for part iii. of the Act. (See section 23 (3).)

IX.—*Draft Scheme.*

Among the more important matters for which a draft scheme should provide are the following:—

1. The number of the proposed committee.
2. How many are required to be members of the council.
3. The educational interests which it is proposed should be represented.
4. How it is proposed to secure their representation—by selection, recommendation or nomination.
5. What security is provided for the permanance of such representation.
6. What provision is made for the appointment of women.
7. If more committees than one—are they constituted for separate areas or for separate administrative duties—their proposed numbers and composition—the number, duties and composition of sub-committees.
8. The term of office of members of the committee, and the arrangements for retirement and the filling of vacancies, occurring casually or at stated times.

* Circular 470 A.

This Memorandum is intended to set before County Borough Councils such of their powers and duties, and such of the powers and duties of the Board of Education, as it may be desirable for the councils to bear in mind when framing schemes for the establishment of an education committee.

(*a*) This refers only to the disqualifications for membership of an education committee laid down in sect. 17 (4) of the E. Act, 1902, viz., "by reason of holding an office or place of profit, or having any share or interest in a contract or employment": Letter of Board of Education, February 13th, 1903.

The following notes are limited by this purpose; they are not a summary of the Act, nor do they touch upon several matters in respect of which it may be possible at a later stage for the Board of Education to assist councils, if invited to do so, by advice, suggestion and co-operation.

The following Memorandum concerns the Council of a County Borough only.

Council of a County Borough.

I.—*Powers and Duties.*

(1) As to higher education.

To consider the needs of the area, and to take such steps as seem to them desirable, after consulting the Board of Education, to supply or aid the supply of education other than elementary.

To promote the co-ordination of all forms of education.

(As to matters included in education other than elementary, see sec. 22 (2) (3), sec. 23 (1) (2).)

(2) As to elementary education.

To take over and exercise the powers and duties of school boards and school attendance committees, and to control all secular instruction in public elementary schools. (Sec. 5.)

To appoint, in such numbers as they may determine, managers for each school provided by them, (sec. 6 (1),) and also two managers or more for each school not provided by them. (Sec. 6 (2) (b) and (3) (b).)

To maintain and keep efficient all public elementary schools within their area under the conditions set forth in section 7.

To provide such additional school accommodation as may be necessary, subject to the provisions of sec. 8 (1), sec. 16.

II.—*Main Sources of Income.*

A. For higher education.

(1) The residue under 53 & 54 Vict. c. 60, s. 1.

(2) The borough rate, or such other fund or rate as has hitherto met the expenses incurred for educational purposes. Section 18 (1) and (4).

(3) Parliamentary grant for instruction in science and art subject to conditions laid down by the Board of Education.

B. For elementary education.

(1) The parliamentary grants payable in respect of public elementary schools.

(2) The aid grant under section 10.

(3) Fees, where the local education authority allows fees to be charged: but in the case of a non-provided school, such proportion only of the fees as is agreed upon under section 14.

(4) The use of the school house in the case of non-provided schools during school hours subject to the provisions of section 7 (1) (d) as to payment for wear and tear, and for the rent of the teacher's house (if any).

(5) The borough rate, as in A. (2).

III.—*Manner of Exercise of Powers.*

(a) Every county borough council shall establish an education committee or committees in accordance with a scheme to be made by the council and approved by the Board of Education.

(b) Every matter relating to the exercise of powers under the Act shall stand referred to the education committee except the power of raising a rate or borrowing money; and the council shall, unless the matter is urgent, consider the report of the committee before acting.

(c) The council may delegate to the committee, under any conditions it pleases, any of its powers under the Act except that of raising a rate or borrowing money.

So the council—

must frame a scheme for the establishment of a committee;

must refer every educational matter to the committee except the raising a rate or borrowing money;

may, in case of urgency, act without awaiting the report of the committee;

may delegate, on any terms it pleases, its powers under the Act to the committee; but

must not delegate its power of raising a rate or borrowing money.

Under all circumstances the council is responsible, whether for its own action, or for that of the committee.

IV.—*The Scheme of Establishment.*

Necessary Provisions.

(1) There must be a majority on the committee of members of the council.

(2) The council must appoint:

(a) persons of experience in education.

(b) persons acquainted with the needs of the various kinds of schools within the area.

These may be obtained:—

(a) By selection by the council from among its own members, or from outside, or;

(b) By nomination or recommendation of other bodies where it appears desirable.

(3) There must be at least one woman on the committee.

Optional Provisions.

(a) Among the bodies who may be invited to nominate or recommend are included associations of voluntary schools. Section 17 (3) (b).

(b) Among the persons whom it may be desirable to appoint as members of the first committee are the members of school boards existing at the time of the passing of the Act. Section 17 (3) (d).

(c) Separate education committees may be established to deal with special departments of work, subject to the provisions of section 17 (6).

(d) A joint committee may be formed for all or any purposes by a combination of counties, boroughs, or urban districts.

In the case of such a joint committee it is necessary that a majority of the members should be *appointed* by the councils of the counties, boroughs or districts concerned; it does not appear necessary that a majority should be *members* of those councils.

(The formation of such committees may be convenient in the case of county boroughs which may desire to work in close co-operation with the county in which they are situated.)

V.—*Nomination or Recommendation of other Bodies.*

It is probable that the representation of certain educational interests which a council would desire to see represented on its committee may be effected most satisfactorily by the nomination of a member of the committee by some society within the area or representative of the interest in question.

This course may save the council some trouble in selection, and may also be most satisfactory to the society which is to be represented. In other cases it might be more convenient that a society should be invited to recommend a representative, or to recommend certain persons from among whom the council might choose a representative.

In the case of nomination it must be assumed that the council places itself in the hands of the body whom it invites to nominate.

In the case of recommendation, suggestions might be made on both sides with a view to the choice of some one acceptable to the council and representative of the interest concerned.

In each case the appointment is made by the council, but either method would ensure that the person appointed was considered to be really representative by the interest concerned.

VI.—*Duties of the Board of Education in respect of Schemes.*

(1) To give publicity to the provisions of the proposed scheme. Section 17 (6).

(2) To hold an inquiry if necessary. Section 23 (10).

(3) To be satisfied that where the scheme provides for more than one committee due regard is paid to the importance of co-ordinating all forms of education. (See section 17 (6).)

It would not be desirable to perpetuate the severance of elementary from higher education by the creation of separate committees for each. But it may often be convenient to establish sub-committees which might, under the supervision of the education committee, administer the various forms of education.

(4) In the event of a scheme not having been made, or not having been approved within 12 months after the passing of the Act, to make a provisional order for the purposes of a scheme.

(A ground on which the Board might be asked to withhold its approval of a scheme would be the non-representation or inadequate representation of some of the educational interests within the borough. An educational body or association might complain—

(a) That the interests with which it was concerned were wholly unrepresented;

(b) That the person chosen to represent it was not really representative;

(c) That no security was afforded by the scheme for the continuance of its representation.

Points such as these should be carefully considered in framing a scheme.)

VII.—*Disqualifications.*

The circumstances which would disqualify a person for membership of the council disqualify for membership of the committee appointed by the council (*a*), except that no person is disqualified by his holding office in a school or college aided, provided or maintained by the council.

VIII.—*Draft Scheme.*

Among the more important matters for which a draft scheme should provide are the following:—

1. The number of the proposed committee.
2. How many are required to be members of the council.
3. The educational interests which it is proposed should be represented.

(*a*) This refers only to the disqualifications for membership of an education committee laid down in sect. 17 (4) of the E. Act, 1902, see p. 15, viz., "by reason of holding an office or place of profit, or having any share or interest in a contract or employment": Letter of Board of Education, February 13th, 1903.

4. How it is proposed to secure their representation—by selection, recommendation or nomination.
5. What security is provided for the permanence of such representation.
6. What provision is made for the appointment of women.
7. If more committees than one—their proposed numbers, duties and composition—the number, duties and composition of sub-committees.
8. The term of office of members of the committee, and the arrangements for retirement and the filling of vacancies occurring casually or at stated times.

Circular 470 B.

This Memorandum is intended to set before Councils of Boroughs or Urban Districts which are local education authorities under the Act such of their powers and duties, and such of the powers and duties of the Board of Education, as it may be desirable for the councils to bear in mind when framing schemes for the establishment of an education committee.

The following notes are limited by this purpose; they are not a summary of the Act, nor do they touch upon several matters in respect of which it may be possible at a later stage for the Board of Education to assist councils if invited to do so, by advice, suggestion and co-operation.

The following Memorandum concerns the Councils of Boroughs or Urban Districts which are local education authorities under part iii. of the Act.

I.—*Powers and Duties.*

(1) As to higher education.

To spend such sums as they think fit for the purpose of supplying or aiding the supply of education other than elementary.

(As to matters included in education other than elementary, see sec. 22 (2) (3), sec. 23 (1) (2).)

(2) As to elementary education.

To take over and exercise the powers and duties of school boards and school attendance committees, and to control all secular instruction in public elementary schools. (Sec. 5.)

To appoint managers for each school provided by them in such number as they may determine, (Sec. 6 (1),) and also two managers or more for each school not provided by them. (Sec. 6 (2) (b) and (3) (b).)

To maintain and keep efficient all public elementary schools within their area under the conditions set forth in section 7.

To provide such additional school accommodation as may be necessary, subject to the provisions of section 8 (1), section 16.

II.—*Main Sources of Income.*

A. For higher education.

(1) (a) In the case of a borough the borough rate or such other fund or rate as has hitherto met the expenses incurred for educational purposes. Section 18 (1) and (4).

(b) In the case of an urban district, a rate to be made, assessed and levied in manner provided by section 33 of the Elementary Education Act, 1876, as respects the expenses mentioned in that section.

The rate for this purpose must not exceed 1*d.* in the pound.

(The county council also has powers to raise a rate in the borough or urban district for this purpose. Section 2 (1).)

(2) Parliamentary grant for instruction in science and art subject to conditions laid down by the Board of Education.

B. For elementary education.

(1) The parliamentary grants payable in respect of public elementary schools.

(2) The aid grant under section 10.

(3) Fees, where the local education authority allows fees to be charged: but in the case of a non-provided school, such proportion only of the fees as is agreed upon under section 14.

(4) The use of the school house in the case of non-provided schools during school hours subject to the provisions of section 7 (1) (d) as to payment for wear and tear, and for the rent of the teacher's house (if any).

(5) The rate, as in A. (1), but without the limitation there stated.

III.—*Manner of Exercise of Powers.*

(a) Every borough or urban district council having powers under part iii. of the Act shall establish an education committee or committees in accordance with a scheme to be made by the council and approved by the Board of Education.

(b) Every matter relating to the exercise of powers under the Act shall stand referred to the education committee except the power of raising a rate or borrowing money; and the council shall, unless the matter is urgent, consider the report of the committee before acting.

(c) The council may delegate to the committee, under any conditions it pleases, any of its powers under the Act except that of raising a rate or borrowing money.

So the council—

must frame a scheme for the establishment of a committee;

must refer every educational matter to the committee except the raising a rate or borrowing money;

may, in case of urgency, act without awaiting the report of the committee;

may delegate, on any terms it pleases, its powers under the Act to the committee; but

must not delegate its power of raising a rate or borrowing money.

Under all circumstances the council is responsible, whether for its own action, or for that of the committee.

IV. *The Scheme of Establishment.*

Necessary Provisions.

(1) There must be a majority on the committee of members of the council;

(2) The council must appoint:

(a) persons of experience in education.

(b) persons acquainted with the needs of the various kinds of schools within the area.

These may be obtained:—

(a) By selection by the council from among its own members, or from outside, or;

(b) By nomination or recommendation of other bodies where it appears desirable.

(3) There must be at least one woman on the committee.

Optional Provisions.

(a) Among the bodies who may be invited to nominate or recommend are included associations of voluntary schools. (Sec. 17 (3) (b).)

(b) Among the persons whom it may be desirable to appoint as members of the first committee are the members of school boards existing at the time of the passing of the Act.

(c) Separate education committees may be established to deal with special departments of work subject to the provisions of section 17 (6).

(d) A joint committee may be formed for all or any purposes by a combination of counties, boroughs, or urban districts.

In the case of such a joint committee it is necessary that a majority of the members should be *appointed* by the councils of the counties, boroughs or districts concerned; it does not appear necessary that a majority should be *members* of those councils.

A borough or urban district may under section 20 (6) relinquish to the council of the county all or any of its powers and duties under part ii. or part iii. or both. Such relinquishment would be permanent in its effect. It would be

possible for the council to transfer back to the borough or urban district its powers of management in respect of any school or college within the area of the relinquishing council under section 20 (a).

But the formation of a joint committee may be convenient in the case of boroughs or urban districts which may not desire to relinquish permanently their powers under the Act, but may, nevertheless, desire to work in close co-operation with the county in which they are situated. Arrangements for the formation of such a committee may be made for a limited period.

V.—*Nomination or Recommendation of other Bodies.*

It is probable that the representation of certain educational interests which the council would desire to see represented on its committee may be effected most satisfactorily by the nomination of a member of the committee by some society representative of the interest in question.

This course may save the council some trouble in selection, and may also be most satisfactory to the society which is to be represented. In other cases it might be more convenient that a society should be invited to recommend a representative, or to recommend certain persons from among whom the council might choose a representative.

In the case of nomination it must be assumed that the council places itself in the hands of the body whom it invites to nominate.

In the case of recommendation, suggestions might be made on both sides with a view to the choice of some one acceptable to the council and representative of the interest concerned.

In each case the appointment is made by the council, but either method would ensure that the person appointed was considered to be really representative by the interest concerned.

VI.—*Duties of the Board of Education in respect of Schemes.*

(1) To give publicity to the provisions of the proposed scheme. Section 17 (6).

(2) To hold an inquiry if necessary. Section 23 (10).

(3) To be satisfied that where the scheme provides for more than one committee due regard is paid to the importance of co-ordinating all forms of education. (See section 17 (6).)

It would not be desirable to perpetuate the severance of elementary from higher education by the creation of separate committees for each. But it may often be convenient to establish sub-committees which might, under the supervision of the education committee, administer the various forms of education.

(4) In the event of a scheme not having been made, or not having

been approved within 12 months after the passing of the Act, to make a provisional order for the purposes of a scheme.

A ground on which the Board might be asked to withhold its approval of a scheme would be the non-representation or inadequate representation of some of the educational interests within the borough or urban district. An educational body or association might complain—

(a) That the interests with which it was concerned were wholly unrepresented;

(b) That the person chosen to represent it was not really representative;

(c) That no security was afforded by the scheme for the continuance of its representation.

(Points such as these should be carefully considered in forming a scheme.)

VII.—*Disqualifications.*

The circumstances which would disqualify a person for membership of the council disqualify for membership of the committee appointed by the council (*a*), except that no person is disqualified by his holding office in a school or college aided, provided or maintained by the council.

A person is disqualified for voting in the county council on any question relating only to part iii. if he is elected for a division which consists wholly of a borough or urban district or of a part of such borough or district which is a local education authority for part iii. of the Act. (See section 23 (3).)

VIII.—*Draft Scheme.*

Among the more important matters for which a draft scheme should provide are the following:—

1. The number of the proposed committee.
2. How many are required to be members of the council.
3. The educational interests which it is proposed should be represented.
4. How it is proposed to secure their representation—by selection, recommendation or nomination.
5. What security is provided for the permanence of such representation.
6. What provision is made for the appointment of women.
7. If more committees than one—their proposed numbers, duties, and composition—the number, duties and composition of sub-committees.

(*a*) This refers only to the disqualifications for membership of an education committee laid down in sect. 17 of the E. Act, 1902, see p. 15, viz., "by reason of holding an office or place of profit, or having any share or interest in a contract or employment": Letter of Board of Education, February 13th, 1903.

8. The term of office of members of the committee, and the arrangements for retirement and the filling of vacancies, occurring casually or at stated times.

MEMORANDUM ON EDUCATION COMMITTEES, UNDER THE EDUCATION ACT, 1902.

Various applications have been made to the Board of Education for suggestions with respect to the constitution of education committees and the framing of schemes for the purpose.

The details of any scheme must be settled by the councils by whom the schemes are made. But with a view to assisting councils who have not as yet framed schemes for themselves and desire assistance, the Board make the following suggestions as to the main matters which should be provided for by the scheme.

1. The heading of the scheme should be— Heading.

(*a*) County Education Committee.

or

(*a*) Borough Education Committee.

or

(*a*) Urban District Education Committee.

Proposed Scheme for the Constitution of an Education Committee under the Education Act, 1902.

2. The following clause contains suggestions for the constitution of the committee, all or any of which can be adopted, as circumstances require:— Constitution of committee.

The education committee (hereinafter called the committee) shall, when complete, consist of members, including persons of experience in education, and persons acquainted with the needs of the various kinds of schools in the , appointed by the council (hereinafter called the council), being:—

(*b*) Members of the council;

(*b*) Ex-officio members (*e.g.*, the chairman or vice-chairman of the council);

(*b*) Nominated members, one nominated by each of the following bodies, *e.g.*:—

The council of the University of ;

(*b*) Recommended members, one* recommended by each of the following bodies, *e.g.*:—

The Chamber of Commerce of ;
The Agricultural Society of ;
The Association of ;
The Governing Body of the ;
An electing body consisting of ;

* It may often be found convenient to define the mode in which the members are to be recommended, and to insert after "one" some such phrase as the following:— "selected by the council from not less than two nor more than four persons.

(*a*) Here insert the name of the area for which the committee is appointed.
(*b*) Here insert number (if any).

(*a*) Members appointed after consultation with:—
The

(*a*) Selected members, of whom at least shall be women.
The following interests:—
University education;
The secondary education of boys and girls in its higher and lower grades;
Technical instruction and commercial and industrial education having special regard to the industries of the ;
The training of teachers;
Elementary education in county schools and in voluntary schools;
shall always be represented either among the members appointed from the council or among members appointed from outside the council.

In the event of any of the nominating or recommending bodies ceasing to exist, the county council shall substitute such other body as in their opinion is of the same character or represents the same interests as the body which has ceased to exist.

3. It will possibly be advisable to make it clear whether a member of the council is to be eligible as a nominated or recommended member of the committee, or whether it is necessary for a nominated or recommended member to be a member of the nominating or recommending body. The following paragraphs, each drawn in an alternative form, are suggested for the purpose of making this clear; they could be added to the foregoing clause:—

(1) { A / No } member of the council shall be eligible as a nominated or recommended member of the committee.

(2) A nominated or recommended member { must / need not } be a member of the nominating or recommending body.

Term of office.

4. Some provision should be made with respect to the term of office of the members of the committee.

Members of the council who are appointed *as such* will necessarily go out of office if they cease to be members of the council. The term of office of such a member should, therefore, unless a shorter term is fixed, be made coincident with his ordinary term of office as a councillor.

It will, however, be noticed that in boroughs, and in urban districts where the members retire in rotation, and not simultaneously, it will be very difficult to formulate any plan in practice which provides for the simultaneous retirement of all members of the committee, and also provides for the term of office of a councillor as a member of the committee being coincident with his term of office as a member of the council.

(*a*) Here insert number (if any).

As regards outside members it may be convenient that their term of office should, in counties, and in urban districts where the members retire simultaneously, expire at the same time as the term of office of members of the committee who are members of the council. On the other hand, this is not at all necessary, and, from the point of view of continuity of policy, may be inadvisable.

If simultaneous retirement is not adopted, the term of office for outside members can be fixed without regard to the term of office of members of the committee who are members of the council, and, if necessary, different terms of office may be fixed for different classes of outside members.

There is also another alternative, namely, to leave the term of office of members of the committee to the discretion of the appointing council.

To meet these various cases the following alternative clauses are suggested:—

The term of office of members of the committee shall be years, except that the first members, instead of being appointed for years, shall be appointed each for a term of office ending on the next ordinary day of retirement of councillors (*a*).

Or,

The term of office of members of the committee who are members of the council appointed by the council as such, shall be the same as their term of office as members of the appointing council (*b*).

The term of office in the case of members of the committee not appointed by the council as members of the council shall be—

(a) in the case of nominated members, years;

(b) in the case of recommended members, years;

and so on:

Or,

The term of office of each member of the education committee shall be such as may be determined in each case by the council appointing the committee.

5. A provision limiting the term of office of members appointed to fill casual vacancies will not be required except in cases where the whole committee go out of office together, or where regular rotation is provided for. If any such provision is required, it might be in the following form:— Casual vacancies.

Members apppointed to fill casual vacancies shall be appointed only for the remainder of the term of office of the outgoing member, and subject to the same provisions as regulated the appointment of that member.

6. It is possible that in some cases the scheme will provide for one of the nominated or recommended persons being elected by some body Election of a member.

(*a*) It will be found that a provision of this sort is practically only applicable in counties, and in urban districts, where the members retire simultaneously.

(*b*) Possibly some shorter term may be desirable in the case of aldermen.

of persons with no machinery available for the purpose, *e.g.*, by the headmasters of secondary schools in the area, or by the teachers in elementary schools in the area, or by the managers of a large number of schools. If this is the case, it will be well to provide for the mode in which the election is to take place (*e.g.*, by voting papers or by calling a meeting), and for the determination of the persons who are qualified to elect. But this is a matter which may, of course, be left to the council appointing the committee; at any rate, power should be given to the council to alter any regulations laid down with regard to this matter in the scheme.

If it is necessary to make provision on this subject the following clause is suggested:

"The person to be nominated or recommended as a member of the committee by an electing body consisting of shall be elected in accordance with regulations framed from time to time by the council for the purpose, *or* [in accordance with the regulations contained in the schedule to this scheme; but those regulations shall be subject to alteration by the council from time to time]."

If it is decided that the regulations should be attached to the scheme, the Board of Education will be glad, if desired, to suggest a form of regulations.

Determination of office.

7. It will probably be found advisable to make some provision as to the determination of office of members (not being members of the council who are appointed as such) in addition to that made by the Act as respects disqualification. A clause could easily be framed for the purpose on the lines of section 46 of the Local Government Act, 1894, or the following clause could be adopted:—

Any member who is incapacitated from acting, or who communicates in writing to the committee a wish to resign, or who is absent from all meetings of the committee during a period of months (except for some reason approved by the committee), or who being, when appointed, a member of the council ceases to be a member of the council, shall thereupon cease to be a member of the committee.

General.

8. The foregoing provisions seem to be all the provisions which are required in an ordinary scheme.

All matters relating to the proceedings of the committee are matters which are more properly determined by the appointing council under paragraph (1) of the first schedule to the Act than determined by the scheme.

The powers to be exercised, and the duties to be performed, by the council, so far as they are not regulated by the Act, are also matters which should be regulated by the council from time to time and should not be included in the scheme.

The same remark applies with even greater force to any provision in the scheme as to the delegation of powers.

It will no doubt be found in future most convenient that all the

provisions relating to the constitution, duties, and proceedings of the committee should be collected in one document for the use of the committee. It will, therefore, be very useful if the council, after the committee have got into working order, could print under one cover:—

(1) The scheme for the constitution of the committee; and
(2) The provisions of the Act specially affecting the education committee, *e.g.*, section 17 (2) and (4) and Schedule I., A. (1)—(6); and
(3) Any standing orders or regulations made by the county council under Schedule I., A., paragraph (1).

ROBERT L. MORANT.

February 9th, 1903.

Circular No. 472.

CIRCULAR TO ASSOCIATIONS OF VOLUNTARY SCHOOLS (V. S. A. '97).

(EDUCATION ACT, 1902.)

BOARD OF EDUCATION,
WHITEHALL, LONDON, S.W.,
February, 1903.

SIR,—It has been intimated to the Board of Education that in view of the provisions of the Education Act, 1902, it may be thought desirable in the case of some associations, that there should be an alteration either in the existing areas, or in the powers and functions of the governing body. Any proposals to that effect will be carefully considered by the Board of Education, but it is necessary to point out that any such reconstruction would require the assent of the managers of the schools composing the association.

The majority of the present governing bodies retire from office on 31st March next, and the constitution of the association in such cases generally provides for the election of a new governing body before that date. It is suggested that the governing bodies should in these cases take the opportunity of placing any views they may entertain on the subject of reconstruction before the managers when assembled for the purpose of such election, and obtaining from them authority to deal with the matter.

Where this not practicable, special arrangements should be made for ascertaining the views of the managers, either through sub-associations where such exist, or by summoning a special meeting of representative managers.

It must be pointed out that the special functions of associations under the Voluntary Schools Act will not cease until the appointed

day, and that where this day is later than 1st April next the governing body may be called upon to advise as to the distribution of some aid grant under the Voluntary Schools Act for the ensuing financial year.

As an alternative the Board of Education may, if they think fit, pay such grant direct to the governing body, if satisfied that proper arrangements have been made for its application. If the governing body desire to receive such grant direct, they should prepare to submit a statement as to the proposed arrangements, which should include provision for the vesting of the money in some responsible body of trustees, and for its suitable application as a fund for the benefit of the associated schools.

It is well to point out that the aid grant payable will be the proportionate amount due for the period intervening between the beginning of the new financial year and the appointed day. This day may be any day not more than eighteen months later than the 26th March next, as the Board of Education may appoint, and may differ in different areas. The later it is fixed, the larger will be the amount of aid grant payable under the Voluntary Schools Act. In the case of the other grants the amount payable will be the full amount earned by the school between the end of the last school year and the appointed day.

Any further balances which the old managers may have in hand on the appointed day are held by them in a fiduciary capacity for the purposes of the school as a public elementary school, and should therefore be handed over to their successors to be used at their discretion for those purposes connected with the school for which provision has to be made by them under the Act.

No other application of the money would be permissible without a scheme under the provisions of the Charitable Trusts Acts, which could only be made if the original purposes were no longer available,—if, for instance, the school was closed or transferred to the local authority.

Even when the special functions of the governing body under the Voluntary Schools Act will have lapsed, there will still remain much valuable work that may be done by these bodies with regard to the responsibilities placed upon the managers of voluntary schools under the Act. These responsibilities are of a two-fold nature.

Firstly, the managers must provide the school-house (other than any residence for the teacher) free of any charge to the local authority. How they do so, is a matter that concerns the managers only, and will of course depend upon the nature of their tenure of the buildings provided.

Secondly, having provided a school-house free of charge the managers must, out of funds provided by them, keep it in good repair and make such alterations and improvements as may

reasonably be required by the local authority. It is with regard to these duties that governing bodies can best render assistance to school managers by undertaking the administration of a common fund, of which the aid grant above referred to will form the nucleus, and in which managers can invest or deposit any further sums which may from time to time come into their possession. There will thus be created a mutual insurance fund, upon which the managers of individual schools can depend for assistance towards the expense of such repairs and alterations as they may be called upon from time to time to carry out.

The formation of such fund is expressly contemplated by clause 12 of Schedule II. of the Act. It is there provided that the balance of any grant paid to the original managers, which may remain after the discharge of all liabilities of whatever nature that have been incurred by them on account of the school, shall be paid to the new managers, to be applied to those purposes for which they are responsible under the Act, or for the benefit of any general fund applicable for those purposes. In the governing body of the association to which the school belongs there exists an organisation which is well adapted for the administration of such common fund, and which is expressly recognised in the clause as a body to whom any aid grant that may be due can be entrusted. It is clear, however, that the "fund" could not be applied to the provisions of new schools by building or hiring, or to such enlargements of existing ones as would come under the provisions of section 8 (2) of the Act. On the other hand the expense of keeping the school in good repair, and making necessary alterations and improvement is one which may be properly assisted out of such common fund.

Such contributions may be made not only from any grants which may come into the hands of the new managers under the circumstances above referred to, but also from such voluntary subscriptions as they may from time to time obtain, and from any endowment, whether by way of rent or otherwise, to which they may be entitled. It must, however, be borne in mind that any contribution from endowment is in the nature of a deposit or an investment of a trust fund, and could only legally be made, on the express understanding that the managers would be entitled to claim an amount from the common fund at least equivalent to the amount so contributed, whenever they may require it for the purposes of their trust.

The points, therefore, to which the Board of Education desire to invite the early attention of governing bodies are as follows:—

1. The submission of proposals for any alteration in the present area of the association, or in the constitution and functions of the governing body, after having consulted and obtained the consent of the managers of the associated schools.

2. Application for the direct payment of any further aid grant that may be allotted under the Voluntary Schools Act, directly to the governing body—such application should contain a clear statement of the arrangements which it is proposed to make for its proper application.

3. The proposals, if any, of the governing body as to the creation and management of a common fund for repairs and alterations, for the benefit of all such schools belonging to the association as may desire to contribute to it.

I am to suggest that each governing body of an association should take steps to make the contents of this circular known to the managers of the constituent schools.

I have the honour to be, Sir,
Your obedient Servant,
ROBERT L. MORANT.

To the Secretary of the Governing Body
of the Association.

MEMORANDUM.

EDUCATION ACT, 1902, SECTION 13. ENDOWMENTS.

Form E. A. 7.

BOARD OF EDUCATION,
WHITEHALL, LONDON, S.W.,
16*th February*, 1903.

1. This Memorandum has been prepared to assist trustees of endowments, applicable or applied in connection with elementary schools, and also local education authorities in cases of difference of opinion or doubt as to the effect of section 18 of the Education Act, 1902.

It is concerned solely with the proper procedure in such cases and does not attempt to state the principles on which the decision of questions arising under the section will be based.

2. By section 13 of the Education Act, 1902, it is provided:—

(1) Nothing in this Act shall affect any endowment, or the discretion of any trustees in respect thereof: Provided that, where under the tests or other provisions affecting any endowment the income thereof must be applied in whole or in part for those purposes of a public elementary school for which provision is to be made by the local education authority, the whole of the income or the part thereof as the case may be, shall be paid to that authority, and in case part only of such income must be so applied and there is no provision under the said trusts or provisions for determining the amount which represents that part, that amount shall be determined in case

of difference between the parties concerned, by the Board of Education; but if a public inquiry is demanded by the local education authority, the decision of the Board of Education shall not be given until after such an inquiry, of which ten days' previous notice shall be given to the local education authority and to the minor local authority and to the trustees, shall have been first held by the Board of Education at the cost of the local education authority.

(2) Any money arising from an endowment, and paid to a county council for those purposes of a public elementary school for which provision is to be made by the council, shall be credited by the council in aid of the rate levied for the purposes of part iii. of this Act in the parish or parishes which in the opinion of the council are served by the school for the purposes of which the sum is paid, or, if the council so direct, shall be paid to the overseers of the parish or parishes in the proportions directed by the council, and applied by the overseers in aid of the poor rate levied in the parish.

3. This clause, it should be observed, deals solely with the income of such endowments as under the trusts *must necessarily* be applied either in whole or in part to purposes for which the local education authority have to provide. Income, which must or may be applied to purposes for which managers have to provide or to educational purposes other than those for which the local authority have to provide is not dealt with by the section. Any income which is *necessarily* applicable to local authorities' purposes will be payable to the local authority and (in the case of a county council) applied by them in reduction of the rates in the area served by the school.

4. Trust deeds are often expressed in vague and general terms, giving no direction which would clearly require the application of the income of the endowment to one or other of the purposes above-named; and sometimes there are no written trusts.

In such circumstances trustees cannot safely assume that they have a discretion in the matter. This is a question of interpretation, and one which can be decided only on the merits of each case. In every case of difference of opinion or doubt trustees may apply to the Board of Education for direction in the matter, and if they act upon such direction they are completely protected against personal liability. Such application may be made under the Charitable Trusts Acts, the jurisdiction under which has, in the case of endowments held solely for educational purposes, been transferred to the Board of Education by the Board of Education Act, 1899, and the Board of Education (Powers) Orders in Council, 1900 to 1902. In case such an application is found desirable the form provided on page 2 of Form E. A. 8 should be used. In case of doubt and pending such direction, the only safe course for the

trustees to pursue is to *leave in their bankers' hands any moneys not expended by them before the 26th March*, 1903 (*or such later date as may be fixed as the "appointed day" for section 13 of the Act to come into operation in this particular area*), *or received by them on or after that date.*

5. Before, however, applying to the Board of Education it is very desirable that trustees should place themselves in communication with the particular local education authority which has or may have an interest in the matter. In all cases it is very desirable that any application for advice or direction should be made jointly by the local education authority and the trustees. Each local education authority has a financial interest in the decision of questions relating to endowments applicable in connection with elementary schools within its area. The Board would therefore not be justified in giving their advice or direction to either party upon an ex parte statement. The adoption of this policy by the Board will necessarily lead to some delay in the decision of questions under this section, and there will be cases in which it would be impossible or very undesirable for the Board to suspend all decision or action until the local education authority is in a position to deal with the matter. The Board, however, recognise that in ordinary circumstances it is most desirable that full time should be allowed to the local authorities for the examination of the facts and the expression of their views.

In many cases careful consideration by both parties may show that the intervention of the Board is not required.

6. It is to be observed that under section 5 of the Charitable Trusts Act, 1860, the Board can decline to exercise jurisdiction in very contentious cases and may leave the matter to be decided by the Courts. On the other hand, no legal proceedings relating to the administration of endowments held for purely educational purposes can be commenced or entertained by any Court or Judge without the certificate of the Board of Education (or in the case of mixed charities without the consent of the Charity Commissioners), unless the Attorney-General, acting ex-officio, thinks fit to move in the matter.

7. It is also to be observed that under the provisions of section 23 of the Charitable Trusts Act, 1853, and section 31 of the Charitable Trusts Amendment Act, 1855, the Board have power, on the application of the parties interested, to authorise compromises of any claims against charities held for purely educational purposes or against the trustees or administrators thereof. This power will possibly be found useful in dealing with obscure or complicated questions arising under section 13, especially where the difficulty of the questions is out of proportion to the amount of money involved, and the attention of local education authorities and trustees is particularly drawn to it.

If a compromise order is desired application should be made by both parties in the manner provided in Form E. A. 8.

8. For the purpose of facilitating the determination of the questions arising under section 13 the Board have prepared a form of return in which information may conveniently be given as to the nature of any endowment, the trusts to which it is subject, the income and expenditure thereof for the last three years, and its financial position as on the 25th March, 1903.

9. The Board are aware that in many cases it may be difficult or even impossible to give the particulars of expenditure in such detail as the form of return suggests. In such cases the Board will be satisfied with a statement of such figures as are available.

It is very desirable that before Form E. A. 8 is returned to this office, duplicate copies should be filled up and retained by the local education authority and the trustees respectively for purposes of reference.

Form E. A. 8.

EDUCATION ACT, 1902, SECTION 13—ENDOWMENTS.

FORM OF APPLICATION FOR ADVICE OR DIRECTION, OR FOR A COMPROMISE ORDER.

This Form is to be used, in case of doubt or difference of opinion, by trustees of endowments or by local education authorities who desire the advice or direction of the Board of Education.

Particulars of the trusts and of the income and expenditure should be given, as far as possible, in the Forms of Return A. and B.

County
Parish or place
Local education authority
Title of endowment or name of founder
School in connection with which the endowment is applied
School number
Clerk to the trustees of the endowment { Name / Address

APPLICATION FOR (1) ADVICE OR DIRECTION, OR (2) COMPROMISE ORDER.

County
Parish
Endowment

In the matter of the Charitable Trusts Acts, 1853 to 1894, the Board of Education Act, 1899, the Board of Education (Powers) Orders in Council, 1900—1902, and the Education Act, 1902.

We, being

(1) Trustees or persons acting in the administration of the above-mentioned Endowment,

(2) The council of the *county, borough, urban district of , and being the local education authority for the area served by the school in connection with which the said endowment is applied or applicable, in pursuance of a resolution of the said council, passed the day of 19 ,

* Strike out words not applicable.

Hereby apply to the Board of Education

(a) For advice or direction on the following points:—

*(b) For an order compromising any claim of the said local education authority against the said charity or the trustees or administrators thereof.

* It is essential that both parties should concur in the application for this order.

(1) As witness our hands this day of 190

This form should be signed by at least a majority of the trustees or persons acting in the administration ...

(2) As witness our common seal this day of 190 .

Witness to the affixing of the seal

Common Seal of the Council making application.

(a) Statement of points upon which the advice or direction by the Board of Education is required.

(b) Statement of claim and proposal for compromise or adjustment (16 & 17 Vic. c. 137, section 23, and 18 & 19 Vic. c. 124, section 31).

1.

2.

3.

4.

A.—*Trusts.*

State:

1. Date of will, deed, or instrument of foundation ...
2. If there is no instrument of foundation, the approximate date of foundation and origin of the endowment ... ...
3. If there is no instrument of foundation, any available documentary evidence of trusts (*e.g.* churchwardens' books) ... ...
4. Dates of any orders (*a*) or schemes affecting the trusts, and made by County Court, Court of Chancery, Charity Commissioners, or Board of Education, or under the Endowed Schools Acts ... ...

State briefly the effect of such orders or schemes.

5. Summary of trusts relating to application of income as declared by the original instrument of foundation or subsequent scheme.

6. If there is no instrument of foundation, or if the trusts have not been strictly adhered to, state the usage which has prevailed in the application of the income at different periods, giving particulars of any existing records of such usage.

7. State whether the endowment is attached to any particular public elementary school—

   (a) By express trust
   (b) By discretion of the Trustees ...

8. State whether the trustees of the endowment are trustees of any public elementary school—

   (a) Under the trusts of the *endowment* ...

   or (b) Under a separate trust or *de facto*

(*a*) Orders relating merely to management of property other than school buildings need not be mentioned. Only the last order appointing trustees need be mentioned.

B.—*Accounts I.—Income and Expenditure.*

Particulars should be given, so far as material is available, for each of the last three complete years, reckoning by the date to which the Accounts are usually made up.

	1900. £ s. d.	1901. £ s. d.	1902. £ s. d.
1. Gross income from endowment			
2. Total cost of management of property *other than school premises*, viz.:– Repairs, rates, taxes, insurance, clerk, office expenses, interest and sinking fund on loans, &c. ...			
3. Net income from endowment			
4. Payments to non-educational charitable purposes under trust or scheme			
(a) Obligatory			
b) Discretionary			
Total			
5. Net income applicable to educational purposes by trust or scheme			
6. Actual payments to educational purposes (*a*)—	(*a*) T., S. or D.		
(a) To higher education—			
(i.) Maintenance of secondary or technical school			
(ii.) Exhibitions			
Total...			
(b) To purposes of elementary education as specified below (head 7)			
7. Actual payments from endowment to purposes of or connected with elementary education (*a*)—			
(a) (i.) Repairs of school buildings (*b*)			
(ii.) Alterations and improvements in buildings (*c*)			
(iii.) Repayment of and interest on loans in respect of school buildings			
(iv.) Rent (if any) of school buildings			

(*a*) State in the column provided for the purpose, whether the payment was made under directions of the trust, T., or of scheme, S., or in the exercise of the trustees' discretion, D.

(*b*) If it is not possible to analyse the payments in such detail as is here suggested, it will be sufficient to give the totals under heads (a) and (c).

(*c*) Roughly speaking, the distinction between "alterations and improvements" and "extensions and additions," is that the latter do, and the former do not, involve a substantial increase in the number of school places.

B.—*Accounts.—I.—Income and Expenditure (continued).*

	(a) T., S. or D.	1900. £ s. d.	1901. £ s. d.	1902. £ s. d.	1900. £ s. d.	1901. £ s. d.	1902. £ s. d.
(v.) Rates, taxes and insurance on school buildings							
Total...							
(b) Extensions and additions to buildings (*b*)							
(c) (i.) Salaries of teachers (*c*)...							
(ii.) Books and stationery ...							
(iii.) Apparatus and furniture							
(iv.) Fuel, light and cleaning							
Total...							
(d) Various payments for benefit of elementary scholars—							
(i.) Library							
(ii.) Prizes or rewards ...							
(iii.) Expenses of Sunday school							
(iv.) Clothing elementary scholars							
(v.) Apprenticing or advancement of elementary scholars							
(vi.) Miscellaneous (specify)							
Total...							
8. Balance in hand of income applicable to educational purposes							
9. Debt on school buildings—							
(a) For which trustees of endowment are responsible ...							
(b) For which trustees of endowment are not responsible							

II.—Balance Sheet showing position of Endowment on 25th March, 1903.

	T., S. or D.	£	s	d.
Moneys owing to the endowment				
Moneys owing by the endowment				
Balance (Credit or Debit) on the 25th March, 1903				

(*a*) State in the column provided for the purpose, whether the payment was made under directions of the trust, T., or of scheme, S., or in the exercise of the trustees' discretion, D.

(*b*) Roughly speaking, the distinction between "alterations and improvements" and "extensions and additions," is that the latter do, and the former do not, involve a substantial increase in the number of school places.

(*c*) If it is not possible to analyse the payments in such detail as is here suggested, it will be sufficient to give the totals under heads (a) and (c).

III. Analysis of Balance applicable to Elementary Educational Purposes (a).	T.S., or D.	£	s.	d.
(State whether the balance is applicable to any of the following objects by Trust, T., or Scheme, S., or at the discretion of the Trustees, D.)				
(a) As in head 7 on p. 434				
(b) ,, ,, ...				
(c) ,, ,, ...				
(d) ,, ,, ...				
(i.) Library				
(ii.) Prizes or rewards				
(iii.) Sunday school				
(iv.) Clothing elementary scholars				
(v.) Apprenticing elementary scholars ...				
(vi.) Miscellaneous				
Total				
Balance applicable at absolute discretion of trustees to any elementary educational purposes ...				

Form E. A. 13.

MEMORANDUM.

BOARD OF EDUCATION,
WHITEHALL, S.W.,
26th February, 1903.

EDUCATION ACT, 1902. SECTION 11.

SCHOOLS HELD BY PRIVATE OWNERS FREE FROM ANY TRUSTS.

1. Frequent inquiries have been addressed to the Board with reference to the meaning of paragraph 14 (1) of the memorandum (Form E. A. 1) issued by them on the 20th December, 1902. In paragraph 14 of the memorandum the various courses open to private owners of schools were set out, and it was stated that the least convenient course for an owner to adopt was to retain the school premises in his own hands and apply to the Board for an order under section 11, appointing foundation managers.

2. The Board were led to this conclusion by the following considerations:—

(a) An order under section 11 can make provision for the appointment of managers only, and cannot include any provisions relating (for instance) to the character of the

(a) This head is to be filled up only when the entire net income from endowment is applied or applicable to purposes of or connected with elementary education, or where the income is appropriated by trust in definite shares.

instruction to be given in the school, or the use of the premises out of school hours.

(b) It is possible that in some cases a difference of opinion as to the form of order might arise between the Board and the owner of the school, which it is very desirable to avoid; and it would therefore be more convenient that the owner should declare his own wishes as to the constitution of the managing body.

(c) When a final order under section 11 has been made, it can only be varied by a further order of the Board. A draft of such varying order must, under section 11 (8) of the Act, be laid before each House of Parliament for thirty days during which Parliament is sitting. In the event of either House deciding that the draft, or any part thereof, should not be proceeded with, the draft would have to be dropped and a fresh draft made which would be subject to the same procedure.

3. For these reasons, among others, the Board consider that the most convenient course for a private owner, who wishes to retain the property in and control over his own schools, is to let the school premises at a nominal (or subtantial) rent for the purposes of a school. The conditions of the letting may be expressed in any simple agreement, which for the purposes of the Act would fall under the definition of a trust-deed. This agreement *must* contain provisions for the constitution and continuance of a body of four foundation managers, and may also give full expression to the owner's wishes, so far as these are consistent with the provisions of the Act, as to the principles on which the school is to be conducted, the use of the premises out of school hours, and other matters in which he is interested. If such an agreement is made, an order of the Board under section 11 will not be required. The agreement may be for a tenancy from year to year, terminable by notice on either side, and if it does not work satisfactorily it can be terminated and a fresh agreement substituted without difficulty or delay.

4. The Board do not think it desirable that they should issue any model form of agreement for use by private owners. The agreement should, however, provide (a) for the appointment of the first four foundation managers, (b) for filling up any vacancies which may occur in their number. It would usually be convenient that school premises should be let to a single tenant (who may be the nominee of the landlord) for use as a school under the management of the foundation managers. If the premises were let directly to the foundation managers, a change among the managers would also involve a change among the tenants, and this might give rise to some practical inconvenience. The premises might of course also be let to an incorporated society, but there is no practical reason why they should not be let to an individual.

5. The Board have of course no desire to evade any of the duties

imposed on them by section 11 of the Act, and if any private owner prefers to dispense with an agreement and to apply for an order under section 11, the Board will act on such an application. If, however, he adopts the course suggested in this memorandum and makes an agreement, it is desirable that he should *at once* inform the Board of the fact. When the agreement is executed it is important either that particulars of the agreement should be furnished in the form of Return E. A. 2 already issued, or that a copy of the agreement should be sent to this office for purposes of record and future reference.

LETTER OF BOARD OF EDUCATION AS TO PAYMENT OF GRANTS.

BOARD OF EDUCATION,
WHITEHALL, LONDON, S.W., 190 .

Letters should be addressed—"The Secretary, Board of Education, Whitehall, London, S.W."

At the head of letters relating to this communication write—

N.B.—1.—Write clearly on good Foolscap paper of the same size as this sheet.

2.—The complete postal address and designation of the correspondent should always be given.

3.—Every letter containing enclosures should enumerate them *specifically*, with a line in the margin for each.

4.—Applications relating to different schools are to be made in separate letters.

Adverting to your letter dated the , I am directed to state that the Board of Education are prepared to take the following steps for accelerating the payment of grants, in order to meet financial difficulties that have arisen in the administration of the Education Act:—

1. Practically the whole of the new aid grant under section 10 of the Act can be paid to the local authority (not merely the 4s.) within a few days, or at the outside, weeks, after the appointed day—the whole or proportionate part, according to the number of months of the financial year that remain after the appointed day, when the appointed day is not April 1st.

2. The fee grant in respect of each school to be paid by quarterly instalments as hitherto—except that if it be desired by any authority, the Board may be able in many cases to pay some of the instalments sooner than usual—it being clearly understood that in no case will more money be paid in respect of a school between April 1st, 1903, and March 31st, 1904, than would under ordinary

circumstances have been paid out of the Exchequer in respect of that school during that period.

3. As regards the annual grant, commonly called the block grant, the Board of Education would normally pay it in respect of each school within a few weeks of the close of the school year of each school. But if any authority desires it, the Board would be glad to pay, on the same date as instalments of fee grant are paid, instalments of annual grants, say 5*s.* at a time or otherwise, rather than hold up the whole payment to the end of the school year. This would again put money into the hands of the authorities sooner than would otherwise be the case—but here again it must be clearly understood that no more money will be paid by the Board of Education in respect of any school between April 1st, 1903, and March 31st, 1904, than would under ordinary circumstances have been paid out of the Exchequer in respect of that school during that period.

I have the honour to be your obedient servant,

Circular 477.

CIRCULAR TO LOCAL EDUCATION AUTHORITIES.

BOARD OF EDUCATION,

WHITEHALL, LONDON, S.W.,

13*th March*, 1903.

SIR,

I am directed by the Board of Education to state for your information that it is proposed to pay to local education authorities instalments of annual grant after the appointed day; but any such payment must be limited by the condition that it should not increase the total amount that would in ordinary circumstances be paid out of the exchequer in respect of any school during the financial year ending 31st March, 1904.

The Board are therefore prepared to pay such instalments in respect of all schools maintained by your council whose school years end not later than 31st December, 1903. Where an instalment of fee grant becomes payable in the ordinary course in respect of any such school on or after the appointed day, the Board will pay at the same time an instalment of annual grant equal in amount (usually) to twice the instalment of fee grant; *i.e.*, at the rate of 5*s.* a quarter for each unit of average attendance.

The effect of this arrangement, where the appointed day is 1st April, 1903, is shown on the accompanying schedules.

Schedule A gives the dates on which instalments will be paid in respect of schools of the various school years. Schedule B is a re-arrangement of schedule A, so as to show to what schools the various instalments paid on each date refer.

Where the appointed day is later than 1st April, 1903, the mode of payment will be seen by striking off, from either schedule, all payments on dates preceding the appointed day.

It should be observed that the schedule relates only to instalments of annual grant: the balance of the grants due in respect of each school year will be paid at about the same time as the whole annual grant and balance of fee grant have been paid in previous years.

It would be a convenience to this Board, and would conduce to the earlier settlement of financial arrangements, if you could furnish, with as little delay as possible, a statement showing the anticipated abnormal deficiency on the first year's working of the new Act in the area under your Council.

I have the honour to be, sir, your obedient servant,

ROBERT L. MORANT.

[*Assuming 1st April, 1903, to be appointed day.*]

SCHEDULE A.

(SHOWING AT WHAT DATES THE INSTALMENTS IN RESPECT OF SCHOOLS OF EACH SCHOOL YEAR WILL BE PAID.)

School Year ending.	Dates of Payment of Instalments.
31st March, 1903	None.
30th April, 1903	None.
31st May, 1903	None.
30th June, 1903	5*s.* on 1st April.
31st July, 1903	5*s.* on 1st May.
31st August, 1903	5*s.* on 1st June.
30th September, 1903	5*s.* on 1st April. 5*s.* on 1st July.
31st October, 1903	5*s.* on 1st May. 5*s.* on 1st August.
30th November, 1903	5*s.* on 1st June. 5*s.* on 1st September.
31st December, 1903	5*s.* on 1st April. 5*s.* on 1st July. 5*s.* on 1st October.
31st January, 1904 (or later)	None.

SCHEDULE B.

(SHOWING TO WHAT SCHOOL YEARS THE PAYMENTS ON EACH DATE REFER.)

Date of Payment.	End of School Year to which instalments paid on this date refer.
1st April, 1903	30th June (5*s.*). 30th September (5*s.*). 31st December (5*s.*).
1st May, 1903 . . .	31st July (5*s.*). 31st October (5*s.*).
1st June, 1903 . . .	31st August (5*s.*). 30th November (5*s.*).
1st July, 1903 . . .	30th September (5*s.*). 31st December (5*s.*).
1st August, 1903 . .	31st October (5*s.*).
1st September, 1903 .	30th November (5*s.*).
1st October, 1903 . .	31st December (5*s.*).
1st November, 1903 (or later)	None.

Circular 474.

CIRCULAR TO LOCAL EDUCATION AUTHORITIES (EDUCATION ACT, 1902).

BOARD OF EDUCATION,
WHITEHALL, LONDON, S.W.,
4th March, 1903.

SIR,

The Board of Education desire to call the attention of your council to the fact that the Education Act will come into operation on the 26th of March next in any area for which some later day has not previously been appointed by the Board under section 27 (2) of the Act.

The Board consider that it will be convenient for administrative purposes that the appointed day for the purposes of the Act should be the first day of a calendar month in all cases except those in which it is desired to bring the Act into operation in an existing school board district about the commencement of October, when it will be more convenient that the 30th of September should be chosen. They understand that many councils are finding it possible to make all the necessary arrangements for beginning their educational administration for all purposes under the Act on 1st April next, and it is hoped that this date, or one as soon after as is consistent with the formalities in connection with the approval of schemes for the constitution of education committees, will be widely adopted.

It is desired that every local education authority will, as soon as possible, but in no case later than 12th March, intimate to the Board of Education the day which they wish to have appointed for their area; and, if this is later than 1st May, 1903, will furnish a statement showing fully the reasons which, in their opinion, render the postponement desirable.

Where a local education authority is not in a position at present to intimate the precise day which is desired, the Board of Education can *pro formâ* appoint a day subject to a subsequent order, and by such subsequent order fix the precise day which may ultimately be decided upon. The essential point is that the Board should know, at once, if any local education authority does not desire the 1st April. This day will in every case, so far as the substantial provisions of the Act are concerned, be substituted for the 26th March, if no further postponement is necessary.

The Board of Education will be prepared so to use their powers of making interim orders under section 11 (5) of the Act as to obviate any necessity for delay owing to the permanent arrangements for the appointment of foundation managers of voluntary schools not being complete.

The Board would urge that so far as possible the same day should, in the interests of simplicity, be suggested for all purposes of the Act, but in cases where the council show to the satisfaction of the Board that their duties in regard to elementary education cannot advantageously be assumed for some weeks or months to come, the Board of Education will be prepared to name the 1st of April, or as early a date as may be practicable, for the purposes of part 2 of the Act, and a later day for the purposes of part 3.

I am to add that an education committee under the Act can be set up as soon as the scheme establishing it is approved, and in advance of the appointed day for the general purposes of the Act.

I have the honour to be, sir, your obedient servant,

ROBERT L. MORANT.

LIST OF LOCAL EDUCATION AUTHORITY AREAS.

ADMINISTRATIVE COUNTIES.

ENGLAND.

Bedfordshire
Berkshire
Buckinghamshire
Cambridgeshire
Isle of Ely
Chester
Cornwall
Cumberland
Derbyshire
Devonshire
Dorsetshire
Durham
Essex
Gloucestershire
Herefordshire
Hertfordshire
Huntingdonshire
Kent
Lancaster
Leicestershire
Lincolnshire—Holland

Lincolnshire—Kesteven
,, Lindsey
London
Middlesex
Monmouthshire
Norfolk
Northamptonshire
Soke of Peterborough
Northumberland
Nottinghamshire
Oxfordshire
Rutlandshire
Shropshire
Somersetshire
Southampton
Isle of Wight
Staffordshire
Suffolk—Eastern
,, Western
Surrey
Sussex—Eastern
,, Western
Warwickshire
Westmorland
Wiltshire
Worcestershire
Yorkshire—East Riding
,, North Riding
,, West Riding

WALES.

Anglesey
Brecknock
Cardigan
Carmarthen
Carnarvon
Denbigh
Flint
Glamorgan
Merioneth
Montgomery
Pembroke
Radnor

COUNTY BOROUGHS.

Barrow-in-Furness
Bath
Birkenhead
Birmingham
Blackburn
Bolton
Bootle
Bournemouth
Bradford
Brighton
Bristol
Burnley
Burton-upon-Trent
Bury
Canterbury
Cardiff
Chester
Coventry
Croydon
Derby
Devonport
Dudley
Exeter
Gateshead
Gloucester
Great Yarmouth
Grimsby
Halifax
Hanley
Hastings
Huddersfield
Ipswich
Kingston-upon-Hull
Leeds
Leicester
Lincoln
Liverpool
Manchester
Middlesbrough
Newcastle-upon-Tyne
Newport (Monmouth)
Northampton
Norwich
Nottingham
Oldham
Oxford
Plymouth
Portsmouth
Preston
Reading
Rochdale
Saint Helens
Salford
Sheffield
Southampton
South Shields
Stockport
Sunderland
Swansea
Walsall

Warrington
West Bromwich
West Ham
Wigan
Wolverhampton
Worcester
York

LIST OF LOCAL EDUCATION AUTHORITY AREAS.

BOROUGHS.

Borough.	County.	Population in 1901.
Accrington	Lancs.	43,095
Ashton-under-Lyne	Lancs.	43,890
Bacup	Lancs.	22,505
Banbury	Oxon	12,967
Bangor	Carnarvonshire	11,269
Barnsley	Yorks. (West Riding)	41,083
Barnstaple	Devon	14,137
Batley	Yorks (West Riding)	30,321
Bedford	Beds.	35,144
Berwick-upon-Tweed	Northumberland	13,437
Beverley	Yorks. (East Riding)	13,185
Blackpool	Lancs.	47,346
Boston	Lincs. (Holland)	15,667
Bridgwater	Somerset	15,209
Bridlington	Yorks. (East Riding)	12,473
Brighouse	Yorks. (West Riding)	21,735
Burslem	Staffs.	38,766
Bury St. Edmunds	West Suffolk	16,255
Cambridge	Cambs.	38,393
Carlisle	Cumberland	45,478
Chatham	Kent	40,753
Chelmsford	Essex	12,580
Cheltenham	Gloucestershire	49,439
Chesterfield	Derby	27,185
Chichester	West Sussex	12,241
Chipping W[illegible]combe	Bucks.	15,532
Chorley	Lancs.	26,850
Clitheroe	Lancs.	11,414
Colchester	Essex	38,351
Colne	Lancs.	23,000
Congleton	Chester	10,706
Crewe	Chester	42,075
Darlington	Durham	44,496
Darwen	Lancs.	38,211
Deal	Kent	10,575
Dewsbury	Yorks. (West Riding)	28,050
Doncaster	Yorks. (West Riding)	28,924
Dover	Kent	41,782

Borough.	County.	Population in 1901.
Dukinfield	Chester	18,929
Durham	Durham	14,641
Eastbourne	East Sussex	43,337
East Retford	Notts.	12,339
Eccles	Lancs.	34,369
Falmouth	Cornwall	11,773
Faversham	Kent	11,290
Folkestone	Kent	30,694
Glossop	Derby	21,526
Grantham	Lincs. (Kestevon)	17,593
Gravesend	Kent	27,175
Guildford	Surrey	15,937
Harrogate	Yorks. (West Riding)	28,414
Hartlepool	Durham	22,737
Harwich	Essex	10,019
Haslingden	Lancs.	18,543
Hemel Hempstead	Herts.	11,264
Hereford	Herefordshire	21,382
Heywood	Lancs.	25,461
Hove	East and West Sussex	36,542
Hyde	Chester	32,768
Ilkeston	Derbyshire	25,383
Jarrow	Durham	34,294
Keighley	Yorks. (West Riding)	41,565
Kendal	Westmorland	14,183
Kidderminster	Worcestershire	24,692
King's Lynn	Norfolk	20,289
Kingston-on-Thames	Surrey	34,375
Lancaster	Lancs.	40,329
Leigh	Lancs.	40,001
Lewes	East Sussex	11,249
Longton	Staffs.	35,825
Loughborough	Leicestershire	21,508
Lowestoft	East Suffolk	29,824
Luton	Beds.	36,404
Macclesfield	Chester	34,635
Maidenhead	Berks.	12,980
Maidstone	Kent	33,516
Mansfield	Notts.	21,441
Margate	Kent	23,057
Middleton	Lancs.	25,178
Morley	Yorks. (West Riding)	23,638
Mossley	Lancs.	13,452
Neath	Glamorgan	13,732
Nelson	Lancs.	32,816
Newark	Notts.	14,985

Borough.	County.	Population in 1901.
Newbury	Berks.	11,061
Newcastle-under-Lyme	Staffs.	19,914
Newport	Isle of Wight	10,911
Ossett	Yorks. (West Riding)	12,886
Pembroke	Pembroke	15,853
Penzance	Cornwall	13,123
Peterborough	Soke of Peterborough	30,870
Pontefract	Yorks. (West Riding)	13,422
Poole	Dorset	19,461
Pudsey	Yorks. (West Riding)	14,907
Ramsgate	Kent	27,693
Rawtenstall	Lancs.	31,052
Reigate	Surrey	25,993
Richmond	Surrey	31,677
Rochester	Kent	30,622
Rotherham	Yorks. (West Riding)	54,348
Royal Leamington Spa	Warwick	26,888
Ryde	Isle of Wight	11,042
St. Albans	Herts.	16,019
Salisbury	Wilts.	17,117
Scarborough	Yorks. (West Riding)	38,160
Shrewsbury	Salop.	28,396
Smethwick	Staffs.	54,560
Southend-on-Sea	Essex	28,857
Southport	Lancs.	48,087
Stafford	Staffs.	20,894
Stalybridge	Chester	27,674
Stockton-on-Tees	Durham	51,476
Stoke-upon-Trent	Staffs.	30,456
Sutton Coldfield	Warwick	14,264
Swindon	Wilts.	44,996
Taunton	Somerset	21,078
Thornaby-on-Tees	Yorks. (North Riding)	16,053
Tiverton	Devon	10,382
Todmorden	Yorks. (West Riding)	25,419
Torquay	Devon	33,625
Truro	Cornwall	11,562
Tunbridge Wells	Kent	33,388
Tynemouth	Northumberland	51,514
Wakefield	Yorks. (West Riding)	41,544
Warwick	Warwick	11,889
Wednesbury	Staffs.	26,544
Wenlock	Salop	15,866
West Hartlepool	Durham	62,614
Weymouth and Melcombe Regis	Dorset	19,831

Borough.	County.	Population in 1901.
Whitehaven	Cumberland	19,325
Widnes	Lancs.	28,580
Winchester	Southampton	20,919
Windsor, New	Berks.	13,958
Workington	Cumberland	26,141
Worthing	West Sussex	20,006
Wrexham	Denbigh	14,966

URBAN DISTRICTS.

Aberdare	Glamorgan	43,357
Abertillery	Monmouth	21,955
Acton	Middlesex	37,744
Aldershot	Southampton	30,974
Aston Manor	Warwick	77,310
Barking Town	Essex	21,547
Barry	Glamorgan	27,028
Beckenham	Kent	26,330
Bilston	Staffs.	24,034
Bromley	Kent	27,358
Cannock	Staffs.	23,992
Chadderton	Lancs.	24,892
Chiswick	Middlesex	29,809
Coseley	Staffs.	22,218
Ealing	Middlesex	33,040
East Ham	Essex	95,989
Ebbw Vale	Monmouth	20,993
Edmonton	Middlesex	46,899
Enfield	Middlesex	42,738
Erith	Kent	25,295
Farnworth	Lancs.	25,927
Felling	Durham	22,467
Fenton	Staffs.	22,742
Finchley	Middlesex	23,591
Gillingham	Kent	38,933
Gorton	Lancs.	26,564
Gosport and Alverstoke	Southampton	28,879
Handsworth	Staffs.	52,921
Hebburn	Durham	20,901
Hendon	Middlesex	22,450
Heston and Isleworth	Middlesex	30,838
Hindley	Lancs.	23,504
Hornsey	Middlesex	72,056
Ilford	Essex	41,240
Ince-in-Makerfield	Lancs.	21,270

Urban District.	County.	Population in 1901.
Kettering	Northampton	28,653
King's Norton and Northfield	Worcester	57,120
Leyton	Essex	98,899
Llanelly	Carmarthen	25,617
Merthyr Tydfil	Glamorgan	69,227
Moss Side	Lancs.	26,677
Mountain Ash	Glamorgan	31,093
Nuneaton and Chilvers Coton	Warwick	24,995
Oldbury	Worcester	25,191
Pemberton	Lancs.	21,664
Penge	Surrey	22,468
Pontypridd	Glamorgan	32,319
Radcliffe	Lancs.	25,368
Rhondda	Glamorgan	113,735
Rowley Regis	Staffs.	34,669
Shipley	Yorks. (West Riding)	25,570
Stretford	Lancs.	30,346
Swinton and Pendlebury	Lancs.	27,001
Tipton	Staffs.	30,543
Tottenham	Middlesex	102,519
Twickenham	Middlesex	20,991
Wallasey	Chester	53,580
Wallsend	Northumberland	20,932
Walthamstow	Essex	95,125
Waterloo with Seaforth	Lancs.	23,101
Watford	Herts.	29,023
Willesden	Middlesex	114,815
Wimbledon	Surrey	41,604
Withington	Lancs.	36,201
Wood Green	Middlesex	34,183

LIST OF VOLUNTARY SCHOOL ASSOCIATIONS.

I.—CHURCH OF ENGLAND ASSOCIATIONS.

Diocese.	Area covered by Association.	Name and Address of Secretary.
Canterbury	The Diocese	Rev. Canon Routledge, St. Martin's, Canterbury.
York	The Diocese	Rev. S. Greenwood, Kirkby Wharfe, Tadcaster.
London	The Diocese	Rev. the Hon. J. Stafford Northcote, 33, Ashley Place, Victoria Street, S.W.

Diocese.	Area covered by Association.	Name and Address of Secretary.
Durham . .	The Diocese . .	Rev. J. Haworth, St. Hild's College, Durham.
Winchester .	Hants . . .	Rev. Canon Stenning, Overton Rectory, Hants.
Winchester .	Isle of Wight .	Ven. Archdeacon Haigh, The Close, Winchester.
Winchester .	West Surrey. .	Ramsay Nares, Esq., Englefield House, Englefield Green, Surrey.
Bangor . .	The Diocese . .	Rev. J. Fairchild, Training College, Bangor.
Bath and Wells .	The Diocese . .	Ven. Archdeacon Brymer, Charlton Mackrell Rectory, Somerton.
Bristol . .	The Diocese . .	J. B. C. Burroughs, Esq., 23, Bridge Street, Bristol.
Carlisle . .	The Diocese . .	W. Elliott, Esq., Millholme Terrace, Carlisle.
Chester . .	The Diocese . .	Rev. Canon Maitland Wood, The Vicarage, Runcorn.
Chichester . .	The Diocese . .	R. Barrett Pope, Esq., 4, Princes Place, Brighton.
Ely . . .	Bedford . .	Rev. W. W. C. Baker, Ridgmont Vicarage, Aspley Guise, R.S.O., Beds.
Ely . . .	Practically Cambs.	Rev. C. A. E. Pollock, Corpus Christi College, Cambridge.
Ely . . .	Huntingdon . .	Rev. E. G. Banks, The Vicarage, Hartford, Huntingdon.
Ely . . .	West Suffolk .	Rev. Jas. Wilson Brown, Stowlangtoft Rectory, Bury St. Edmunds.
Exeter . .	The Diocese . .	Ven. Archdeacon Sandford, The Close, Exeter.
Gloucester . .	The Diocese . .	Rev. Canon Sowell, The Vicarage, Wotton-under-Edge.
Hereford . .	Hereford .	H. E. Wale, Esq., St. Julian's Avenue, Ludlow.
Hereford . .	South Salop .	
Lichfield . .	North Salop . .	Rev. T. Auden, Condover Vicarage, Shrewsbury.
Lichfield . .	Staffs. . . .	Rev. J. H. Crump, Longdon Vicarage, Rugeley.
Lincoln . .	The Diocese . .	Rev. Canon Wilde, The Rectory, Louth, Lincs.
Liverpool . .	The Diocese . .	Rev. Canon Tyrer, 40, St. Domingo Grove, Everton, Liverpool.
Llandaff . .	The Diocese . .	F. W. Brett, Esq., 10, Windsor Place, Cardiff.
Manchester .	The Diocese . .	Rev. Canon Scott, Diocesan Chambers, 51, South King Street, Manchester.
Newcastle . .	The Diocese . .	Rev. Canon Wilsden, The Vicarage, Wooler, Northumberland.
Norwich . .	The Diocese . .	L. Thompson, Esq., 11, The Crescent, Norwich.

Diocese.	Area covered by Association.	Name and Address of Secretary.
Oxford . .	The Diocese . .	Rev. Canon Trotter, Whitchurch Rectory, Reading.
Berks. . .	Berks. . . .	H. G. Willink, Esq., Hillfields, Burghfield, Berks.
Peterborough .	The Diocese . .	Rev. Canon Hodgson, Aldwincle Rectory, Thrapston.
Ripon . .	The Diocese . .	Rev. Canon Thompson, Hunslet Vicarage, Leeds.
Rochester . .	The Diocese . .	Rev. A. W. Maplesden, 5, York Buildings, Adelphi, London, W.C.
St. Albans . .	Essex . . .	Rev. W. Quennell, Shenfield Rectory, Brentwood.
St. Albans . .	Herts. . . .	F. A. Milne, Esq., 11, Old Square, Lincoln's Inn, W.C.
St. Asaph . .	The Diocese . .	H. A. Tilby, Esq., Ivy Cottage, Rhyl.
St. Davids . .	The Diocese . .	Rev. Preb. C. G. Brown, Training College, Carmarthen.
Salisbury . .	The Diocese . .	Rev. Canon G. B. Oldfield, Sedgehill Rectory, Shaftesbury.
Dorset . .	Dorset . . .	Rev. E. W. Goodden, Nether Compton Rectory, Sherborne, Dorset.
Southwell . .	Derby . . .	J. Sladen, Esq., Rockleigh, Matlock Bridge.
Southwell . .	Notts. . . .	Rev. H. W. W. Ffoulkes, Clifton Rectory, Nottingham.
Truro. . . .	The Diocese . .	Rev. C. F. Rogers, The Vicarage, Penzance.
Isles of Scilly .	Isles of Scilly .	Rev. W. E. Graves, St. Mary's, Isles of Scilly, Cornwall.
Wakefield . .	The Diocese . .	The Rev. Canon H. Lowther Clarke, The Vicarage, Dewsbury.
Worcester . .	The Diocese . .	S. Royle Shore, Esq., 1, Newhall Street, Birmingham.

II.—ROMAN CATHOLIC ASSOCIATIONS.

Diocese.	Name and Address of Secretary.
Birmingham	Rev. A. L. Chattaway, St. Joseph's, Nechells, Birmingham.
Clifton and Newport . .	A. J. King, Esq., 13, Queen Square, Bath.
Hexham and Newcastle . .	Rev. H. F. Berry, The Presbytery, Walker-on-Tyne.
Leeds and Middlesborough .	Rev. G. E. Machell, English Martyrs, Blossom Street, York.
Liverpool	Rev. J. H. Seed, 1, Crescent Road, Seaforth, Liverpool.
Nottingham and Northampton	Rev. H. Stanley, Wroxham, Norwich.
Salford	Rev. Dr. Joseph Tynam, Farnworth, Manchester.
Shrewsbury and Menevia .	Very Rev. Canon Clegg, St. Winefride's, Neston, Chester.

Diocese.	Name and Address of Secretary.
Southwark	Rev. W. F. Brown, 173, Upper Kennington Lane, S.E.
"South-West" (Portsmouth and Plymouth).	Rev. John Watson, Presbytery, Maidenhead.
Westminster	J. St. Lawrence, Esq., 26, Lancaster Road, Bayswater, W.

III.—WESLEYAN ASSOCIATIONS.

District.	Name and Address of Secretary.
London and South-East . .	J. H. Cowham, Esq., Wesleyan Training College, Westminster, S.W.
Midland	Wm. Parkin, Esq., The Mount, Sheffield.
North-Central . . .	Jos. Grundey, Esq., 11, Warren Street, Stockport.
North-East	D. A. Holdsworth, Esq., 22, Eldon Square, Newcastle-upon-Tyne.
North-West	J. S. Horn, Esq., 18, Nicholas Street, Burnley.
South-West	J. S. Winsor, Esq., 16, Hammet Street, Taunton.

IV.—BRITISH AND UNDENOMINATIONAL ASSOCIATIONS.

District.	Name and Address of Secretary.
Bristol and District . .	E. S. Beaven, Esq., 5, Borcham Terrace, Warminster.
Cheshire and District . .	T. Brownson, Esq., 24, Woodend Lane, Hyde.
Eastern Counties . . .	W. W. Clear, Esq., Hills Road, Cambridge.
Lancashire and District . .	A. Park, Esq., J.P., Warrington Terrace, Ashton-under-Lyne.
London and District . .	A. Bourne, Esq., 115, Temple Chambers, E.C.
Midland Counties . . .	John H. Starkey, Esq., Charnwood House, Wirksworth, Derby.
Northern Counties . . .	W. A. Spafford, Esq., Training College, Darlington.
North Wales	Rev. E. T. Davies, Bód-difyr, Old Colwyn, North Wales.
South Wales and Monmouth .	D. C. Davies, Esq., Urban District Council Offices, Llandrindod Wells, Radnor.
South-Western . . .	Rev. J. Ogle, The Manse, Sherborne.
West Riding of Yorks. . .	G. Sykes, Esq., 15, Whitcliffe Road, Cleckheaton.

V.—JEWISH ASSOCIATIONS.

District.	Name and Address of Secretary.
One Association for the whole Country.	P. S. Waley, Esq., 17, Westbourne Terrace, W.

THE BOARD OF EDUCATION (POWERS) ORDER IN COUNCIL, 1900.

At the Court at Osborne House, Isle of Wight, the 7th day of August, 1900.

PRESENT:

The Queen's Most Excellent Majesty in Council.

Whereas by section two of the Board of Education Act, 1899, it is enacted that, subject to the provisions of that section, it shall be lawful for Her Majesty in Council, from time to time, to transfer to, or make exercisable by, the Board of Education, any of the powers of the Charity Commissioners in matters appearing to Her Majesty to relate to education, and that the Order may make such provision as appears necessary for applying to the exercise of those powers by the Board of Education the enactments relating to the Charity Commissioners.

Now, therefore, Her Majesty, by and with the advice of her Privy Council, and by virtue of the authority committed to her by the Board of Education Act, 1899, and of all other powers enabling her in that behalf, is pleased to order, and it is hereby ordered, as follows:—

1. The powers of—
   (a.) inquiring into charities; and
   (b.) requiring accounts and statements to be rendered and answers to questions to be returned; and
   (c.) requiring copies of and extracts from documents to be furnished; and
   (d.) searching records; and
   (e.) requiring the attendance of witnesses and the production of documents; and
   (f.) examining witnesses on oath and administering oaths conferred on the Charity Commissioners and their Assistant Commissioners and officers by the enactments specified in Part I. of the First Schedule to this Order, or by any scheme under the Charitable Trusts Acts, 1853 to 1894, or the Endowed Schools Acts, 1869 to 1889, may, so far as they relate to trusts for educational purposes, be exercised by the Board of Education and their officers concurrently with the Charity Commissioners and their Assistant Commissioners and other officers, and accordingly those enactments and schemes and the enactments specified in Part II. of that schedule shall apply with the modifications set forth in the Second Schedule to this Order.

2.—(1.) There shall be transferred to the Board of Education—
   (a.) all powers conferred on the Charity Commissioners by any

scheme made under the Endowed Schools Acts, 1869 to 1889, or any of them, and regulating an endowment held for, or applicable to, educational purposes in Wales or the county of Monmouth, or by any scheme amending any such scheme, except such of those powers as relate to the vesting or transfer of any land or funds of the endowment in, to, or from the Official Trustee of Charity Lands or the Official Trustees of Charitable Funds; and

(b.) all powers conferred on the Charity Commissioners by the Charitable Trusts Acts, 1853 to 1894, or the Endowed Schools Acts, 1869 to 1889, so far as those powers are exerciseable in respect of any endowment so regulated.

(2.) Provided that—

(a.) land or funds belonging to any such endowment shall not be vested or transferred in, to, or from the Official Trustee of Charity Lands or the Official Trustees of Charitable Funds except by order of the Charity Commissioners; and

(b.) the powers of the Charity Commissioners with respect to—

(i.) the appointment and removal of trustees, or otherwise in relation to the constitution of a governing body, of an endowment held partly for educational purposes in Wales and the county of Monmouth and partly for other purposes; and

(ii.) the property of an endowment the income of which is applicable partly to educational purposes in Wales and the county of Monmouth and partly for other purposes,

shall not be transferred to the Board of Education unless the property of endowment is administered by a governing body established for educational purposes, and any question whether a governing body was established for educational purposes shall be determined by the Charity Commissioners.

(3.) For the purposes of the transfer effected by this section, the provisions of the Charitable Trusts Acts, 1853 to 1894, and the Endowed Schools Acts, 1869 to 1889, shall apply with the modifications and adaptations set forth in the Second Schedule to this Order, and in the schemes conferring powers transferred by this section the provisions relating to those powers shall have effect as if anything required to be done to, by, or in relation to the Charity Commissioners, were required to be done to, by, or in relation to the Board of Education, and any rules, regulations, or forms made, approved, or prescribed by the Charity Commissioners under any such scheme shall continue in force until varied, revoked, or superseded by new rules, regulations, or forms made in accordance with the provisions of the scheme as amended by this Order.

3. This Order may be cited as the Board of Education (Powers) Order in Council, 1900, and shall come into operation on the first day of November one thousand nine hundred.

A. W. FITZROY.

FIRST SCHEDULE.

ENACTMENTS APPLIED.

PART I.

The Charitable Trusts Act, 1853 (16 & 17 Vict. c. 137), ss. 9, 10, 11, and 12, as amended by the Charitable Trusts Act, 1887 (50 & 51 Vict. c. 49).

The Charitable Trusts Amendment Act, 1855 (18 & 19 Vict. c. 124), ss. 6 and 7, as amended by the Charitable Trusts Act, 1887 (50 & 51 Vict. c. 49).

PART II.

The Charitable Trusts Act, 1853, ss. 13, 14, and 15, and the Charitable Trusts Amendment Act, 1855, ss. 8 and 9, as amended by the Charitable Trusts Act, 1887.

SECOND SCHEDULE.

MODIFICATIONS AND ADAPTATIONS.

References to the Board of Charity Commissioners shall be construed as references to the Board of Education.

References to a Charity Commissioner shall be construed as references to a member of the Board of Education.

References to Assistant Charity Commissioners shall be construed as references to inspectors and other officers of the Board of Education.

References to the secretary and other officers of the Charity Commissioners shall be construed as references to the secretary and other officers of the Board of Education.

The Board of Education shall before finally settling the draft of any amending scheme framed under the Endowed Schools Acts, 1869 to 1889, cause all such steps to be taken as are by those Acts required to be taken before any such scheme is submitted for approval to the Committee of Council on Education, and such final settlement shall take the place of the approval required by those Acts, and accordingly the Board of Education shall cause the scheme to be published and circulated in such manner, and together with such notice, as is required by section thirteen of the Endowed Schools Act, 1873, and the like proceedings may be taken with respect to a scheme so settled as may under the Endowed Schools Acts, 1869 to 1889, be taken with respect to a scheme approved by the Committee of Council on Education.

The report required by section sixteen of the Endowed Schools Act, 1873, to be made to the Committee of Council on Education shall be made to Her Majesty the Queen.

THE BOARD OF EDUCATION (POWERS) ORDER IN COUNCIL, 1901.

At the Court at St. James's, the 24th day of July, 1901.

PRESENT:

The King's Most Excellent Majesty in Council.

Whereas by section two of the Board of Education Act, 1899, it is lawful for His Majesty in Council, subject to the provisions of that section, from time to time, to transfer to the Board of Education, any of the powers of the Charity Commissioners in matters appearing to His Majesty to relate to education, and the Order may make such provision as appears necessary for applying to the exercise of those powers by the Board of Education the enactments relating to the Charity Commissioners.

Now, therefore, His Majesty, by and with the advice of His Privy Council, and by virtue of the authority committed to him by the Board of Education Act, 1899, and of all other powers enabling him in that behalf, is pleased to order, and it is hereby ordered, as follows:—

1. (1.) The powers conferred on the Charity Commissioners by the Charitable Trusts Acts, 1853 to 1894, and by the Endowed Schools Acts, 1869 to 1889, to frame, approve, certify, establish, and amend schemes shall, so far as those powers are exerciseable in respect of any endowment held solely for educational purposes in England and Wales, and so far as they have not already been transferred to the Board of Education, be transferred to that Board.

Provided that a scheme made by the Board of Education shall not contain provisions requiring or authorising any land or funds belonging to any such endowment to be vested or transferred in, to, or from the Official Trustee of Charity Lands or the Official Trustees of Charitable Funds otherwise than by order of the Charity Commissioners.

(2.) Where the Charity Commissioners, in exercise of the powers conferred on them by the Charitable Trusts Acts, 1853 to 1894, or the Endowed Schools Acts, 1869 to 1889, determine, by scheme or otherwise, in respect of any endowment held partly for educational purposes and partly for other purposes, what part of the endowment is held for educational purposes, that part shall, for the purposes of this Order, be treated as an educational endowment held solely for educational purposes.

(3.) For the purposes of the transfer effected by this section the provisions of the Charitable Trusts Acts, 1853 to 1894, and the Endowed Schools Acts, 1869 to 1889, shall apply with the modifications and adaptations set forth in the schedule of this Order.

(4.) In any scheme made before the commencement of this Order relating to an endowment held solely for educational purposes, provisions empowering the Charity Commissioners to make amending schemes and to make rules, regulations, and forms, and any rules, regulations, and forms made by the Charity Commissioners, before the commencement of this Order in pursuance of any such power, shall have effect as if in those provisions and in those rules, regulations, and forms, references to the Board of Education were substituted for reference to the Charity Commissioners.

2. Provisions in any scheme made before the commencement of this Order empowering the Charity Commissioners by order to direct the manner in which a school shall be examined in any year, or directing the governing body to send a copy of the examiner's report to the Charity Commissioners, shall have effect as if in any such scheme references to the Board of Education had been substituted for references to the Charity Commissioners.

3. This Order may be cited as the Board of Education (Powers) Order in Council, 1901, and shall come into operation on the 1st day of September, 1901.

A. W. FITZROY.

SCHEDULE.

MODIFICATIONS AND ADAPTATIONS.

In such of the provisions of the Charitable Trusts Acts, 1853 to 1894, and of the Endowed Schools Acts, 1869 to 1889, as relate to the framing, approving, certifying, establishing, and amending of schemes, or to the powers and duties and proceedings incidental thereto or consequential thereon, for references to the Charity Commissioners and their officers shall be substituted references to the Board of Education and their officers respectively.

The Board of Education shall, before finally settling the draft of any scheme framed under the Endowed Schools Acts, 1869 to 1889, or any of them, cause all such steps to be taken as are by those Acts required to be taken before any such scheme is submitted for approval to the Committee of Council on Education, and such final settlement shall take the place of the approval required by those Acts, and accordingly the Board of Education shall cause the scheme to be published and circulated in such manner and together with such notice as is required by section thirteen of the Endowed Schools Act, 1873, and the like proceedings may be taken with respect to a scheme so settled as may under the Endowed Schools Acts, 1869 to 1889, be taken with respect to a scheme approved by the Committee of Council on Education.

The report required by section sixteen of the Endowed Schools Act, 1873, to be made to the Committee of Council on Education shall be made to His Majesty the King.

THE BOARD OF EDUCATION (POWERS) ORDER IN COUNCIL, 1902.

At the Court at Buckingham Palace, the 11th day of August, 1902.

PRESENT:

The King's Most Excellent Majesty in Council.

Whereas by section two of the Board of Education Act, 1899, it is lawful for His Majesty in Council, subject to the provisions of that section, from time to time, to transfer to the Board of Education any of the powers of the Charity Commissioners in matters appearing to His Majesty to relate to education, and the Order may make such provision as appears necessary for applying to the exercise of those powers by the Board of Education the enactments relating to the Charity Commissioners:

Now, therefore, His Majesty, by and with the advice of His Privy Council, and by virtue of the authority committed to him by the Board of Education Act, 1899, and of all other powers enabling him in that behalf, is pleased to order, and it is hereby ordered, as follows:—

1. All powers (except the powers of appointing the Official Trustees of Charitable Funds, and of making orders for vesting or transferring lands or funds, in, to, or from the Official Trustee of Charity Lands or the Official Trustees of Charitable Funds) conferred on the Charity Commissioners and their officers (except the said Official Trustees), by
   (a.) the enactments specified in the schedule hereto, or any order, scheme, rule, regulation, form, or other instrument made under any of them: and
   (b.) any other enactment, charter, deed, will, order, scheme, rule, regulation, form, or other instrument,

   shall, so far as those powers relate to endowments held solely for educational purposes, and so far as they have not been transferred to the Board of Education, be transferred to that Board.

2.—(1.) For the purpose of the transfer effected by this Order,—
   (a.) In all enactments and instruments, provisions relating to the powers transferred shall be construed as if references to the Charity Commissioners and their officers, except the said Official Trustees, were references to the Board of Education and their officers, and shall have effect as if everything required to be done to, by, or in relation to the Charity Commissioners and their officers, except the said Official Trustees, were required to be done to, by, or in relation to the Board of Education and their officers.
   (b.) The report required by section sixteen of the Endowed Schools Act, 1873, to be made to the Committee of Council on Education shall be made to His Majesty the King.

(2.) Where the Charity Commissioners, in exercise of the powers conferred on them by the Charitable Trusts Acts, 1853 to 1894, or the Endowed Schools Acts, 1869 to 1889, determine, by scheme or otherwise, in respect of any endowment held partly for educational purposes and partly for other purposes, what part of the endowment is held for educational purposes, that part shall, for the purposes of this Order, be treated as an educational endowment held solely for educational purposes.

3. This Order shall come into operation on the 1st day of October, 1902, and may be cited as the Board of Education (Powers) Order in Council, 1902, and the Board of Education (Powers) Order in Council, 1900, the Board of Education (Powers) Order in Council, 1901, and this Order may be cited together as the Board of Education (Powers) Orders in Council, 1900 to 1902.

A. W. FITZROY.

SCHEDULE.

16 & 17 Vict. c. 137	
18 & 19 Vict. c. 124	
23 & 24 Vict. c. 136	
25 & 26 Vict. c. 112	The Charitable Trusts Acts, 1853 to 1894.
32 & 33 Vict. c. 110	
50 & 51 Vict. c. 49	
54 & 55 Vict. c. 17	
57 & 58 Vict. c. 35	
32 & 33 Vict. c. 56 ...	The Endowed Schools Acts, 1869, 1873, and 1874.
36 & 37 Vict. c. 87 ...	
37 & 38 Vict. c. 87 ...	
17 & 18 Vict. c. 112	The Literary and Scientific Institutions Act, 1854.
21 & 22 Vict. c. 71	The Bishops' Trusts Substitution Act, 1858.
23 & 24 Vict. c. 134	The Roman Catholic Charities Act, 1860.
35 & 36 Vict. c. 24	The Charitable Trustees Incorporation Act, 1872.
45 & 46 Vict. c. 21	The Places of Worship Sites Amendment Act, 1882.
51 & 52 Vict. c. 42	The Mortmain and Charitable Uses Act, 1888.
54 & 55 Vict. c. 73	The Mortmain and Charitable Uses Act, 1891.
55 & 56 Vict. c. 11	The Mortmain and Charitable Uses Amendment Act, 1892.
55 & 56 Vict. c. 29	The Technical and Industrial Institutions Act, 1892.
46 & 47 Vict. c. 61	The Agricultural Holdings Act, 1883.
45 & 46 Vict. c. 80	The Allotments Extension Act, 1882.

SCHEDULE—(*continued*).

50 & 51 Vict. c. 48 53 & 54 Vict. c. 65	... ...	The Allotments Acts, 1887 and 1890.
45 & 46 Vict. c. 50	...	The Municipal Corporations Act, 1882.
46 & 47 Vict. c. 18	...	The Municipal Corporations Act, 1883.
55 & 56 Vict. c. 53	...	The Public Libraries Act, 1892.
56 & 57 Vict. c. 73	...	The Local Government Act, 1894.
62 & 63 Vict. c. 14	...	The London Government Act, 1899.

THE BOARD OF EDUCATION (CONSULTATIVE COMMITTEE) ORDER IN COUNCIL, 1900.

At the Court at Osborne House, Isle of Wight, the 7th day of August, 1900.

PRESENT:

The Queen's Most Excellent Majesty in Council.

Whereas by section four of the Board of Education Act, 1899, it is enacted that it shall be lawful for Her Majesty in Council by Order to establish a Consultative Committee, consisting, as to not less than two-thirds, of persons qualified to represent the views of universities and other bodies interested in education, for the purposes in that section mentioned:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and by virtue of the authority committed to her by the Board of Education Act, 1899, and of all other powers enabling her in that behalf, is pleased to order, and it is hereby ordered, as follows:—

1.—(1.) There shall be established a Consultative Committee of the Board of Education consisting of eighteen members.

(2.) The following persons shall be the first members of the Committee:—

Rt. Hon. Arthur Herbert Dyke Acland.
Sir William Reynell Anson, Bart., M.P.
Professor Henry Armstrong.
Mrs. Sophie Bryant.
Rt. Hon. Sir William Hart Dyke, Bart., M.P.*
Sir Michael Foster, K.C.B., M.P.
Mr. James Gow, Litt.D.
Mr. Ernest Gray, M.P.*
Mr. Henry Hobhouse, M.P.
Mr. Arthur Charles Humphreys-Owen, M.P.*
Sir Richard Claverhouse Jebb, M.P.

* The asterisk denotes those who, with the addition of the President of Magdalen College, Oxford, now (March, 1903) form the Committee.

Hon. and Rev. Edward Lyttelton.*
Very Rev. Edward Craig Maclure, D.D., Dean of Manchester.
Miss Lydia Manley.
The Venerable Ernest Grey Sandford, Archdeacon of Exeter.*
Mrs. Eleanor Mildred Sidgwick.
Professor Bertram Coghill Alan Windle, M.D.
Rev. David James Waller, D.D.*

2.—(1.) Subject to the provisions of this Order as to the retirement of the first members of the committee, the term of office of a member of the committee shall be six years.

(2.) On the first day of October in every second year six members of the committee shall go out of office and their places shall be filled by such persons as the President of the Board of Education appoints.

(3.) A person going out of office may be reappointed.

3.—(1.) The committee shall elect a chairman, who shall hold office until the next day for the retirement of members of the committee, but, if he continues to be, or is reappointed, a member of the committee, he may be re-elected chairman.

Provided that if during his term of office the chairman ceases to be a member of the committee, the committee shall elect a new chairman.

(2.) The chairman shall preside at every meeting of the committee at which he is present.

4. Such person as the President of the Board of Education appoints shall be the secretary to the committee and shall hold office during the pleasure of the President of that Board.

5.—(1.) The committee shall meet at such times, and notice of meetings shall be given to the members of the committee in such manner, as the President of the Board of Education appoints.

(2.) At a meeting of the committee, six shall be a quorum.

(3.) Subject to the provisions of this Order the committee may regulate their own procedure.

(4.) No act or proceeding of the committee shall be questioned on account of any vacancy in their body.

6. The President of the Board of Education may for special purposes appoint sub-committees of the committee, and any sub-committee so appointed may, within the limits authorised by the President, add to their number persons not being members of the committee.

7. If a member of the committee is absent from two consecutive meetings of the committee, except for some reason approved by the President of the Board of Education, his office shall become vacant.

8. On a casual vacancy occurring in the committee by reason of

* The asterisk denotes those who, with the addition of the President of Magdalen College, Oxford, now (March, 1903) form the Committee.

the death, resignation, or absence of a member, the President of the Board of Education shall appoint another person in his place, and the person so appointed shall hold office until the time when the person in whose place he is appointed would regularly have gone out of office, and shall then go out of office.

9. In making appointments under this Order the President of the Board of Education shall have regard to the requirements of the Board of Education Act, 1899, that the committee shall consist, as to not less than two-thirds, of persons qualified to represent the views of universities and other bodies interested in education.

10. The President of the Board of Education may fix the times of retirement of the members of the committee appointed by this Order so that six of them shall retire on the first day of October one thousand nine hundred and two, six on the first day of October one thousand nine hundred and four, and six on the first day of October one thousand nine hundred and six.

11. The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

12. This Order may be cited as the Board of Education (Consultative Committee) Order in Council, 1900, and shall come into operation on the first day of October one thousand nine hundred.

A. W. FITZROY.

ORDER IN COUNCIL PROVIDING FOR THE FORMATION AND KEEPING OF A REGISTER OF TEACHERS.

At the Court at St. James's, the 6th day of March, 1902.

PRESENT:

The King's Most Excellent Majesty in Council.

Whereas by virtue of section 4 of the Board of Education Act, 1899, it is lawful by Order in Council to establish a Consultative Committee for the purpose of framing, with the approval of the Board of Education, regulations for a register of teachers, which is to be formed and kept in manner to be provided by Order in Council:

And whereas a Consultative Committee has been established by Order in Council; and the committee so established have, with the approval of the Board of Education, framed the regulations for a register of teachers set forth in the schedule to this Order.

Now, therefore, His Majesty, by and with the advice of his Privy Council, and by virtue of the authority committed to him by the Board of Education Act, 1899, and of all other powers enabling

him in that behalf, is pleased to order and it is hereby ordered as follows :—

1. For the purpose of forming and keeping such register of teachers, there shall be established a registration authority, called the teachers' registration council, and in this Order referred to as the council, which shall consist provisionally of twelve members, of whom six shall be appointed by the President of the Board of Education, and of the remaining six one member shall be appointed by each of the following bodies :—

The Conference of Head Masters.
The Incorporated Association of Head Masters.
The Association of Head Mistresses.
The College of Preceptors.
The Teachers' Guild of Great Britain and Ireland.
The National Union of Teachers.

2. The members so appointed shall hold office for three years from the date of this Order.

3. On a casual vacancy occurring in the council during the said period of three years, the authority by whom the member whose seat is vacated was appointed shall appoint another member in his place.

4. The first appointments of members of the council shall be made not later than the first day of April, one thousand nine hundred and two, and each appointing authority shall as soon as may be after making the appointment communicate to the Board of Education the name and address of the person appointed by them.

5. The first meeting of the council shall be convened by the Board of Education, and that Board may take such steps as they think necessary for the purpose.

6. After the expiration of three years from the date of this Order, the constitution of the council shall be such as may hereafter be provided by Order in Council.

7. If any member of the council is adjudged bankrupt or makes a composition or arrangement with his creditors, or is absent from meetings of the council for more than twelve months consecutively, except in case of illness, or for some reason approved by the council, his office shall become vacant.

8. The council may appoint committees and delegate, with or without conditions or restrictions, any of their powers and duties to any committee so appointed, and may regulate the procedure and conduct of business of the council and of any committee so appointed.

9. No act or proceeding of the council or of a committee of the council shall be questioned on account of any vacancy in their body.

10. The council shall establish and keep a register of teachers in accordance with the regulations contained in the schedule to this Order, as framed by the Consultative Committee and approved by the

Board of Education, and with such other regulations as may from time to time be framed and approved in like manner.

11. Subject to the approval of the Board of Education, the council may provide an office and appoint a registrar, and appoint or employ such other officers and persons as may be required for the execution of their duties, and may assign to any person so appointed or employed such remuneration as may be approved by the Board.

12. All fees payable in respect of registration and matters incidental thereto, as fixed by or under the said regulations, shall be carried to a registration fund, and the expenses of the council shall be paid out of such fund.

13. There may be paid to the members of the council out of the registration fund such fees for attendance at meetings and such allowance for travelling expenses as may be approved by the Board of Education.

14. The accounts of the council shall be audited and published by or under the direction of the Board of Education.

15. The council shall make a report of their proceedings once a year to the Board of Education. A. W. FITZROY.

THE SCHEDULE.

REGULATIONS FOR THE FORMATION OF A REGISTER OF TEACHERS.

1. As soon as may be after the establishment of the registration authority there shall be established a register of teachers (hereinafter called "the register") in which the name of every registered teacher shall be set forth in alphabetical order.

In addition to this alphabetical list there shall be two columns distinguished as column A. and column B.

Column A. shall contain the names of all persons for the time being recognised by the Board as certificated teachers under the code of regulations for elementary day schools.

Column B. shall contain the names of all persons who fulfil the conditions of registration hereinafter set forth.

There shall also be recorded in the register in respect of each teacher, when registered therein, his postal address, the date of his registration, and a brief statement of his qualifications and teaching experience, in the following form:—

Alphabetical List.	Column A.	Column B.	Address.	Date of Registration.	Qualifications.	Experience.

Additional qualifications and experience may be added from time to time, when verified by the registration authority.

2. A person shall be entitled to be placed on column B. of the register of teachers if he satisfies the registration authority that he fulfils the conditions set forth in regulation three; or if he applies at any time within three years from the establishment of the registration authority to be placed on the column B. of the register, and satisfies the registration authority that he fulfils the conditions set forth in regulation four.

3. A person shall be entitled to be placed on column B. of the register if he fulfils the following conditions:—

(1.) He must have obtained a degree conferred by some university of the United Kingdom, or have obtained one of the diplomas or certificates mentioned in Appendix A. to these regulations, or have attained some other approved standard of general education.

(2.) He must either—

(i.) have resided and undergone a course of training for at least one year [*or in the case of a student who has taken honours in the Final Examination for a degree after spending four academic years at some university in the United Kingdom have undergone a course of training for two terms at least taken continuously*](*a*) at one of the universities or training colleges mentioned in Appendix D. to these regulations or some other recognised institution for the training of secondary teachers, and have passed the examination for one of the diplomas or certificates in the theory and practice of teaching mentioned in Appendix C. to these regulations; or

(ii.) have passed an approved examination in the theory of teaching, have spent at least one year as a student teacher under supervision at a recognised school (not being an elementary school), and have produced evidence of ability to teach.

(3.) He must have spent at least one year of probation as a teacher at a recognised school (not being an elementary school), and must satisfy the registration authority that he has shown fitness for the teaching profession.

4. A person shall be entitled to be placed on column B. of the register if at any time within [*four*](*b*) years from the establishment of the registration authority he makes application to be so placed and fulfils the following conditions:—

(1.) He must have obtained a degree conferred by some university of the United Kingdom, or must show to the satisfaction of the registration authority that he has obtained one of the diplomas or certificates, or has passed one of the examinations

(*a*) Words in italics added by Order of 11th August, 1902, see p. 470.

(*b*) "Four" substituted for "three" by Order of 11th August, 1902, see p. 470.

mentioned in Appendices A. and B. to these regulations, or has attained some other approved standard of general education; and

(2.) He must either—

(i.) have been engaged during the three years next preceding his application as a teacher at a recognised school or schools (not being an elementary school or schools); or

(ii.) have passed the examination for one of the diplomas or certificates in the theory and practice of teaching mentioned in Appendix C. to these regulations, and produce evidence satisfactory to the registration authority of experience in teaching (other than the teaching in an elementary school or teaching of a purely elementary character) extending over a period of not less than three years.

Provided that a headmaster or headmistress of a recognised school, not being an elementary school, shall be entitled on application to be placed on column B. of the register without fufilling the above conditions, if the applicant has held the office for at least one year previous to the date of his application.

5.—(1.) The registration authority may place on column B. of the register the name of any person who does not fulfil all the conditions of registration, but who, in their opinion, would have fulfilled all the necessary conditions but for the fact—

(a.) that part of the period of his study or training was spent in an approved course of study or training at a foreign university, college, or school, or

(b.) that part of the period of his study, training, or probation was spent in original research certified to have been conducted under proper supervision and to the satisfaction of the registration authority.

(2.) The registration authority may, if they think fit, at any time within three years from the establishment of the registration authority, place on column B. of the register the name of any person who does not fulfil all the conditions of registration but who has, in their opinion, proved himself to be an exceptionally qualified teacher.

(3.) The registration authority shall report to the Board every three months the name of every person registered under this regulation and the grounds of his registration.

Supplemental Registers.

6. There shall be annexed to the register supplemental registers of teachers of music, drawing, physical training, manual instruction, cookery, needlework, and such other special subjects as may be from time to time approved.

A person shall be entitled to be placed on a supplemental

register if he produces evidence satisfactory to the registration authority—

(i.) that he has acquired special knowledge of the subject after a thorough course of training,

(ii.) that he is competent to teach the subject, and

(iii.) that he has taught the subject for a period of not less than two years.

A person may be placed on one or more than one supplemental register whether he is or not placed on the register.

The form of a supplemental register shall be the same as that of the register except that columns A. and B. shall be omitted.

7. A person whose name is placed on one or more of the supplemental registers, but not on either column of the register, shall not be entitled to describe himself as a registered teacher without also indicating the supplemental register or registers on which his name is placed.

Any person proved to the satisfaction of the registration authority to have wilfully so described himself shall be liable to have his name removed from any supplemental register on which it is placed, and shall not be entitled for a period of two years to have his name placed on any register of teachers.

GENERAL.

8. In the case of any person applying to be placed on column B. of the register, or any supplemental register, the registration authority may, if they think fit, and after giving the applicant an opportunity of being heard, refuse to register him on the ground that his moral character renders him unfit to be employed as a teacher.

9. The registration authority may at any time remove from column B. of the register, or from any supplemental register, the name of any person proved to their satisfaction, and after such person has had an opportunity of being heard, to have been guilty of felony or misdemeanour or of conduct unbefitting a teacher.

10. Every person applying and qualified to be placed on column B. of the register, or on a supplemental register, shall, before he is so placed, pay to the registration authority the sum of twenty-one shillings. A further fee of two shillings and sixpence shall be paid by a teacher registered on column B. before any additional qualifications or experience is recorded on the register or any supplemental register.

11. No fee shall be payable for placing a person on column A. of the register, but if any person so placed applies to have registered any qualifications and experience other than those required by the Board from certificated teachers, he shall, before any such qualification or experience is recorded, pay the sum of two shillings and sixpence.

12. In approving or recognising a degree, diploma, certificate, examination, or other standard of education, for the purpose of column B., or in recognising an institution for the purpose of training, or in approving subjects for a supplemental register, the Board shall act after taking the advice of the Consultative Committee.

13. The registration authority shall from time to time and at least once every year present a report of their proceedings to the Board together with their observations on the working of these regulations.

14. The register and every supplemental register shall be published annually, and shall be open at any reasonable time to public inspection on the payment of the proper fee, and any person shall, on payment of the proper fee, be entitled to take copies of and make extracts from the register and any supplemental register, and to have delivered to him extracts from any such register certified by the registrar to be true.

The fees for the purpose of this regulation shall be such as may be fixed by the registration authority with the approval of the Board.

15. In these regulations—

"The Board" means the Board of Education.

"Approved" or "recognised" means approved or recognised for the time being by the Board for the purpose of the regulation in which the expression is used.

The "registration authority" means the body to be established for forming and keeping the register.

16. These regulations may be from time to time modified and altered by regulations framed by the Consultative Committee with the approval of the Board.

APPENDIX A.

A Tripos certificate granted by the University of Cambridge to women.

A diploma or certificate showing to the satisfaction of the registration authority that the applicant, if a woman, has fulfilled all the conditions which, if the University of Oxford granted degrees to women, would entitle her to a degree in that university; [*or that, under the conditions prescribed by the Delegacy for Local Examinations, she has* (1) *passed the second public examination of the university, or* (2) *has obtained honours in the Oxford University Examination for Women in Modern Languages*] (*a*).

A diploma or certificate showing to the satisfaction of the registration authority that the applicant, if a woman, has fulfilled all the conditions which, if the University of Dublin granted degrees to women, would entitle her to a degree in that university.

(*a*) Words in italics added by Order of 11th August, 1902, see p. 470.

The associateship of the Royal College of Science, London.
The associateship of the Central Technical College, London.
The fellowship of the College of Preceptors.
A special honours certificate of the Higher Local Examinations (Oxford and Cambridge), granted under the following conditions:—
(i.) that the holder has passed in four groups or sections and obtained a first or second class in at least two of them; and
(ii.) that the certificate includes at least a pass in two languages, and at least a pass either in Mathematics or in Logic.

APPENDIX B. (*a*).

London University—Intermediate Arts.
,, ,, Intermediate Science.
Oxford University—Pass Moderations.
,, ,, Law Preliminary.
,, ,, Science Preliminary.
Cambridge University—The General Examination.
In case of women :—
(i.) "Moderations" or "finals" in the University of Oxford.
(ii.) Tripos examinations of the University of Cambridge or the "standard of the ordinary degree."
Oxford and Cambridge Higher Local Examinations (Honours Certificate).
Birmingham University—Intermediate Arts.
,, ,, Intermediate Science.
Victoria University—Intermediate Arts.
,, ,, Intermediate Science.
University of Wales—Intermediate Arts.
,, ,, Intermediate Science.
Dublin University—Final Examination of Senior Freshman year.
Royal University of Ireland—The Second University Examination in Arts.
College of Preceptors—Licentiateship.

(*a*) The following additions have been made to Appendix B. :—
(a) The second public examination in letters of the University of Durham; (b) the final examination for the title of A.Sc. Durham..
A certificate of the University of St. Andrews, granted under the conditions regulating the L.L.A. diploma examinations, and bearing:—Either that the holder has obtained honours in at least two of the subjects classed under Departments A, B, C of the L.L.A. diploma scheme of examinations, or that the holder has obtained at least a pass in each of two languages (other than English) and in logic or mathematics. The subjects included under Departments A, B, and C are :—(a) Latin, Greek, English (with Anglo-Saxon), French, German, Italian, Hebrew, comparative philology; (b) logic, moral philosophy, political philosophy, political economy, æsthetics, political science,

APPENDIX C.

Diplomas or Certificates in the Theory and Practice of Teaching, granted by the following institutions:—

Oxford University.
Cambridge ,,
London ,,
Victoria ,,
Durham ,,
Birmingham ,, (Higher Diploma).
Edinburgh ,, (Secondary School Diploma).
Aberdeen ,, (Diploma with Distinction).
Glasgow ,, ,, ,, ,,
University of Dublin.
Royal University of Ireland.
College of Preceptors (Fellowship and Licentiateship, together with the certificate of ability to teach).
The National Froebel Union (Higher Certificate) (*a*).

APPENDIX D.

Institutions, &c., for the Training of Secondary Teachers.

Course of training for secondary teachers at Oxford for the Oxford University Diploma. (This training would be accepted, provided that students stayed for a year.)
University of Cambridge (Day Training College), Secondary Department.
Durham University.
Birmingham University.
Owens College, Manchester.
University College, Liverpool.
Yorkshire College, Leeds (provided the training were of one year's duration).
University College of North Wales, Bangor.
University College of South Wales, Cardiff.
University College of Wales, Aberystwith.
Cambridge Training College.
Maria Grey College, London.
Cheltenham Ladies' College.
Bedford College for Women, University of London.
Mary Datchelor College, London.
St. George's Training College, Edinburgh.
Catholic Training College, Cavendish Square, London.
St. Mary's Hall, Mount Pleasant, Liverpool.

comparative religion; (c) mathematics, natural philosophy, chemistry, astronomy, geology, physiology, zoology, botany.

(*a*) Added by Order of 11th August, 1902, see p. 470.

ORDER IN COUNCIL AMENDING THE ORDER OF 6TH MARCH, 1902, PROVIDING FOR THE FORMATION AND KEEPING OF A REGISTER OF TEACHERS.

At the Court at Buckingham Palace, the 11th day of August, 1902.

PRESENT:

The King's Most Excellent Majesty in Council.

Whereas by virtue of section 4 of the Board of Education Act, 1899, an Order in Council was made on the 6th day of March, 1902, (hereinafter referred to as the principal Order) providing for the formation of a register of teachers, and for the manner in which such register should be kept:

And whereas the principal Order provided that the said register of teachers should be formed and kept in accordance with the regulations contained in the schedule to that Order, as framed by the Consultative Committee and approved by the Board of Education, and with such other regulations as may from time to time be framed and approved in like manner:

And whereas the regulations set forth in the schedule to this Order (being regulations modifying and altering certain of the regulations contained in the schedule to the principal Order) have been framed by the Consultative Committee and approved by the Board of Education:

Now, therefore, His Majesty, by and with the advice of his Privy Council, and by virtue of the authority committed to him by the Board of Education Act, 1899, and of all other powers enabling him in that behalf, is pleased to order, and it is hereby ordered, as follows:—

The regulations in accordance with which the register of teachers shall be framed and kept shall be those set forth in the schedule to the principal Order as modified by the regulations set forth in the schedule to this Order, or such other regulations as may from time to time be framed by the Consultative Committee and approved by the Board of Education.

Schedule modifying regulations:—

1. In sub-section (2) (i.) of regulation 3, after the words "for "at least one year," there shall be inserted "or in the "case of a student who has taken honours in a final "examination for a degree after spending four academic "years at some university in the United Kingdom have "undergone a course of training for two terms at least "taken continuously."
2. In Regulation 4, the period of four years from the establishment of the registration authority shall be substituted for three years, as the period within which an application to be placed in column B. is to be made thereunder.

3. The following words shall be added at the end of the second sentence in Appendix A., "or that under the conditions "prescribed by the delegacy for local examinations she has "(1) passed the second public examination of the university, "or (2) has obtained honours in the Oxford University "Examination for Women in Modern Languages."

4. The following institution shall be added to those contained in Appendix C. :—

The National Froebel Union. (Higher Certificate.)

A. W. FITZROY.

APPENDIX.

SHOWING REGULATIONS MODIFIED OR ALTERED BY THE ORDER.

Regulations in Schedule to Order in Council of 6th March, 1902.	Regulations as Modified.
3. A person shall be entitled to be placed on column B. of the register if he fulfils the following conditions :—	3. A person shall be entitled to be placed on column B. of the register if he fulfils the following conditions :
(1.) He must have obtained a degree conferred by some university of the United Kingdom, or have obtained one of the diplomas or certificates mentioned in Appendix A. to these regulations, or have attained some other approved standard of general education.	(1.) He must have obtained a degree conferred by some university of the United Kingdom, or have obtained one of the diplomas or certificates mentioned in Appendix A. to these regulations, or have attained some other approved standard of general education.
(2.) He must either—	(2.) He must either—
(i.) have resided and undergone a course of training for at least one year in one of the universities or training colleges mentioned in Appendix D. to these regulations, or some other recognised institution for the training of secondary teachers, and have passed the examination for one of the diplomas or certificates in the theory and practice of teaching mentioned in Appendix C. to these regulations; or	(i.) have resided and undergone a course of training for at least one year, *or in the case of a student who has taken honours in the final examination for a degree after spending four academic years at some university in the United Kingdom have undergone a course of training for two terms at least taken continuously*, at one of the universities or training colleges mentioned in Appendix D. to these regulations or some other recognised institution for the training of secondary teachers, and have passed

Regulations in Schedule to Order in Council of 6th March, 1902.	Regulations as Modified.
	the examination for one of the diplomas or certificates in the theory and practice of teaching mentioned in Appendix C. to these regulations ; or
(ii.) have passed an approved examination in the theory of teaching, have spent at least one year as a student teacher under supervision at a recognised school (not being an elementary school), and have produced evidence of ability to teach.	(ii.) have passed an approved examination in the theory of teaching, have spent at least one year as a student teacher under supervision at a recognised school (not being an elementary school), and have produced evidence of ability to teach.
(3.) He must have spent at least one year of probation as a teacher at a recognised school (not being an elementary school), and must satisfy the registration authority that he has shown fitness for the teaching profession.	(3.) He must have spent at least one year of probation as a teacher at a recognised school (not being an elementary school), and must satisfy the registration authority that he has shown fitness for the teaching profession.
4. A person shall be entitled to be placed on column B. of the register if at any time within three years from the establishment of the registration authority he makes application to be so placed.	4. A person shall be entitled to be placed on column B. of the register if at any time within *four* years from the establishment of the registration authority he makes application to be so placed.
APPENDIX A. (Clause 2).	APPENDIX A. (Clause 2).
A diploma or certificate showing to the satisfaction of the registration authority that the applicant, if a woman, has fulfilled all the conditions which, if the University of Oxford granted degrees to women, would entitle her to a degree in that university.	A diploma or certificate showing to the satisfaction of the registration authority that the applicant, if a woman, has fulfilled all the conditions which, if the University of Oxford granted degrees to women, would entitle her to a degree in that university; *or that under the conditions prescribed by the delegacy for local examinations she has* (1) *passed the second public examination of the university, or* (2) *has obtained honours in the Oxford University Examination for Women in Modern Languages.*

Regulations in Schedule to Order in Council of 6th March, 1902.	Regulations as Modified.
APPENDIX C.	APPENDIX C.
Diplomas or certificates in the theory and practice of teaching granted by the following institutions:—	Diplomas or certificates in the theory and practice of teaching granted by the following institutions:—
Oxford University.	Oxford University.
Cambridge ,,	Cambridge ,,
London ,,	London ,,
Victoria ,,	Victoria ,,
Durham ,,	Durham ,,
Birmingham ,, (Higher Diploma.)	Birmingham ,, (Higher Diploma.)
Edinburgh ,, (Secondary School Diploma.)	Edinburgh ,, (Secondary School Diploma.)
Aberdeen ,, (Diploma with distinction.)	Aberdeen ,, (Diploma with distinction.)
Glasgow ,, ,, ,, ,,	Glasgow ,, ,, ,, ,,
University of Dublin.	University of Dublin.
Royal University of Ireland.	Royal University of Ireland.
College of Preceptors. (Fellowship and Licentiateship, together with the certificate of ability to teach.)	College of Preceptors. (Fellowship and Licentiateship, together with the certificate of ability to teach).
	The National Froebel Union. (Higher Certificate.)

REGULATIONS MADE BY THE EDUCATION DEPARTMENT UNDER SECTION 2 (1) OF THE ELEMENTARY EDUCATION (BLIND AND DEAF CHILDREN) ACT, 1893, AS TO BOARDING OUT BLIND AND DEAF CHILDREN.

FORM 1 (B. & D.).

BOARDING-OUT REGULATIONS—BLIND AND DEAF CHILDREN.

At the Council Chamber, Whitehall, the 22nd day of April, 1895.

By the Lords of the Committee of Her Majesty's Most Honourable Privy Council on Education.

The Lords of the Committee of Privy Council on Education, by virtue and in pursuance of the powers in them vested under the Elementary Education (Blind and Deaf Children) Act, 1893, and

of every other power enabling them in this behalf, do order, and it is hereby ordered, that the following regulations be observed:—

1. A school authority (*a*) may, subject to the provisions of these regulations board out blind or deaf children resident in their district in homes conveniently near to a school for the time being certified by the Education Department (*b*) as suitable for providing elementary education for such children respectively under arrangements approved by the Education Department (*b*) with a boarding-out committee, constituted as herein-after mentioned.

2. A boarding-out committee shall consist of three or more persons, to be approved by the Education Department (*b*), who shall have signed an engagement in the form annexed to this Order (Schedule I.).

3. Any person deriving any pecuniary or other personal profit from the boarding out of any child shall be thereby disqualified from becoming or continuing to be a member of any such boarding-out committee.

4. The boarding-out committee shall from time to time appoint one of their members to act as secretary; and it shall be the duty of the secretary punctually to inform the Education Department (*b*) of any vacancies which may be caused by death, resignation, or otherwise, amongst the members of the committee, and to submit the names of the persons proposed to fill the vacancies.

5. A child may be withdrawn from a home by its parent or by the school authority (*a*) of the district from which the child is sent, notice of the intention to do so being given at least one week beforehand to the boarding-out committee; and the foster-parent shall, upon the demand of a person duly authorised in writing by the boarding-out committee, or by the school authority (*a*), or by the parent, deliver up the child to such person.

6. The regulations to be observed by the school authority (*a*) with respect to such boarding out of deaf or blind children shall be as follows:—

(1.) There shall not be more than two blind or two deaf children resident in the same home at the same time, whether boarded out or not.

(2.) No blind child shall be boarded out in a home where there is a deaf child, nor a deaf child where there is a blind child.

(3.) No child shall be boarded out in a home in which, at the time when the child would first be placed in it, there would be with such child more than four children resident, or in which any pauper child is boarded out by the guardians.

(*a*) That is, the local education authority; see E. E. (Blind and Deaf Children) Act, 1893, sect. 4 (a), p. 254; E. Act, 1902, Sch. III. (1), p. 291.

(*b*) For this read Board of Education: Board of Education Act, 1899, sect. 2 (1), p. 334.

(4.) No child shall be boarded out with any person who is at the time, or who has been within 12 months preceding, in receipt of relief; and if the foster-parent shall at any time become in receipt of relief, any child boarded out with him shall be withdrawn from him.

(5.) The school authority (*a*) shall, if possible, arrange for the boarding out being with a person belonging to the religious persuasion of the child's parents. (Section 8 (3) of the Act.)

(6.) No child shall be boarded out without a certificate, in the form annexed to this Order (Schedule II.), signed by a duly qualified medical practitioner, stating the particulars of the child's health, such certificate to be forwarded by the school authority (*a*) to the boarding-out committee.

(7.) Before receiving any child to be boarded out with him, the foster-parent shall sign an undertaking in duplicate, which shall, in addition to any other matter which may be agreed upon, contain an engagement on the part of the foster-parent, that, in consideration of a certain sum per week, he will bring up the child as one of his own children, and provide the child with proper food, lodging, and washing, and endeavour to train the child in habits of truthfulness, obedience, personal cleanliness, and industry, as well as in such special industry or occupations as may be prescribed by the managers of the certified school which the child attends; that he will take care that the child shall attend duly at church or chapel according to the religious denomination to which the child belongs, and shall attend the particular certified school directed by the school authority (*a*) according to the provisions of the law for the time being, and will make such provision as may be necessary for the escort of the child to and from church or chapel and school; that he will provide for the proper repair and renewal of the child's clothing, and that, in case of the child's illness, he will forthwith report such illness to the school authority (*a*), to the child's parent, and to the boarding-out committee; and that he will at all reasonable times permit the child to be visited by his parent, and will at all times permit the child to be visited, and the house to be inspected by any member of the boarding-out committee, and by any person specially appointed for that purpose by the school authority or by the Education Department (*b*). The undertaking shall also contain an engagement on the part of the foster-parent that he will upon the demand of the child's parent, or of a person duly authorised in writing by him or

(*a*) That is, the local education authority; see E. E. (Blind and Deaf Children) Act, 1893, sect. 4 (a), p. 254; E. Act, 1902, Sch. III. (1), p. 291.

(*b*) For this read Board of Education: Board of Education Act, 1899, sect. 2. (1), p. 334.

by the boarding-out committee, or by the school authority (*a*) give up possession of the child.

Such undertaking shall be made in triplicate according to the form annexed to this Order (Schedule III.). One copy of it shall be kept by the foster-parent, another by the school authority (*a*), and another by the child's parent.

(8.) On the delivery of the child to the foster-parent, an acknowledgment shall be given in the form herein-after prescribed (Schedule IV.), or to the like effect.

(9.) In no case shall the sum to be paid to the foster-parent for the maintenance of a child, inclusive of lodging, but exclusive of clothing, school-fees, fees for medical attendance, medicines, and extras ordered by a medical attendant, be less than six nor more than ten shillings per week.

(10.) Unless arrangements can be made for transit by some public conveyance, no child shall be boarded out in a home distant more than one mile from the certified school which the child attends.

(11.) The managers of the certified school shall undertake to receive the child and to send to the school authority (*a*) at least once a quarter a written report upon the child, in the form annexed to this Order (Schedule V.).

(12.) No child shall be boarded out in any home which is distant more than five miles by the nearest road of access from the residence of some member of the boarding-out committee.

7. Every boarded-out child shall be visited not less often than once in every month by a member of the boarding-out committee at the home of the foster-parent, and the visitor shall thereupon make a report in writing to the committee, mentioning the apparent bodily condition and the behaviour of such child, and the state of the home, and all reasonable complaints made by the child or the foster-parent.

These reports shall be forwarded by the boarding-out committee to the school authority (*a*) and to the child's parent not less often than quarterly.

If in the case of any boarded-out child no such report shall be received by the school authority (*a*) or the parent for the space of four consecutive months, the school authority (*a*) shall in default of satisfactory explanation withdraw the child from the home with all reasonable expedition.

8.—(1.) The clerk to the school authority (*a*) shall, as soon as practicable after the first day of April and the first day of October in every year, make a return to the Education Department (*b*) in the form annexed to this Order (Schedule VI.), of the

(*a*) That is, the local education authority; see E. E. (Blind and Deaf Children) Act, 1893, sect. 4 (a), p. 254; E. Act, 1902, Sch. III. (1), p. 291.

(*b*) For this read Board of Education: Board of Education Act, 1899, sect. 2 (1), p. 334.

several children remaining so boarded out on those dates respectively. Separate returns shall be made for blind and deaf children respectively.

(2.) The secretary to the boarding-out committee shall make a return to the Education Department (*b*) as soon as practicable after the first day of January and the first day of July in every year of the several children remaining boarded out under the supervision of the committee on those days respectively under these regulations. Such return shall be made according to the prescribed form, Schedule VII. of this Order, and shall be made separately for blind and deaf children respectively.

9. If the Education Department (*b*) shall withdraw from any boarding-out committee the authority to enter into arrangements with school authorities (*a*), the school authorities (*a*) who have made arrangements with the said committee for the boarding out of children shall, on receiving notice of such withdrawal, provide with all reasonable expedition for the return of all children boarded out in homes found by such committee to their own homes or for their transfer to homes found by another boarding-out committee. Provided that it shall not be necessary for the school authority to take back such children if the Education Department (*b*) declare that the withdrawal of authority from the committee shall not apply to children already boarded out under their superintendence.

10. Where the arrangements made by a school authority (*a*) with any boarding out committee under these regulations include the payment of any sums by such committee on behalf of the school authority (*a*), the school authority (*a*) may, if they think fit, advance to the boarding-out committee quarterly a sum not exceeding three-fourths of the expenditure which, in pursuance of such arrangements, may reasonably be expected to be incurred by such committee during the ensuing quarter.

11. In this order—

The term "foster-parent" means the persons or person with whom any child is boarded out under the provisions of this Order.

Other expressions have, unless the contrary intention appears, the same meaning as the Elementary Education (Blind and Deaf Children) Act, 1893. See p. 253.

All words importing the masculine gender shall be deemed and taken to include females, and the singular to include

(*a*) That is, the local education authority; see E. E. (Blind and Deaf Children) Act, 1893, sect. 4 (a), p. 254; E. Act, 1902, Sch. III. (1), p. 291.

(*b*) For this read Board of Education: Board of Education Act, 1899, sect. 2 (1), p. 334.

the plural, and the plural the singular, unless the contrary as to gender or number is expressly provided.

G. W. KEKEWICH,
Secretary.

SCHEDULE I.

Engagement to observe Regulations.

[We, the undersigned, being desirous of being constituted a boarding-out committee*] for the purpose of finding and superintending homes for blind and deaf†, do hereby, *in the event of our obtaining the requisite authority of the Education Department* (*b*) *to act as a boarding-out committee*, engage truly and faithfully to observe the Regulations of the Education Department (*b*) dated the day of , 189 , or which may from time to time be prescribed by the Education Department (*b*) with respect to the boarding-out of blind or deaf children.

And We [*or* I] do also hereby undertake to furnish to the Education Department (*b*) or to any of Her Majesty's Inspectors of schools all such reasonable information respecting children who may be boarded-out under the superintendence of the committee as the said Department or Inspectors may from time to time require.

We desire to be known as the ‡ Boarding-out Committee.

Signatures in full. *Addresses.*

Dated this day of 18 .

* In the case of a proposed addition to the committee, substitute for the words in [ ] the following: "I, the undersigned, being desirous of becoming a member of the boarding-out committee formed," and also omit the words in italics.

† If the committee is concerned with blind children only, strike out "and deaf"; if with deaf children only, strike out "blind and."

‡ Insert name of place or district.

SCHEDULE II.

Medical Certificate.

(School Authority).

I, the undersigned, having this day personally examined *C.D.*, aged years, residing at , hereby certify that he is not suffering from any contagious or infectious disease, and that his bodily health is good [with the exception that*].

(*Signed*)
Medical Qualifications
Address

Dated this day of 18 .

* Here state the particulars of any exceptions.

(*b*) For this read Board of Education: Board of Education Act, 1899, sect. 2 (1), p. 334.

SCHEDULE III.

Undertaking of Foster-Parent.

BOARDING-OUT OF DEAF OR BLIND CHILD.

School Authority.
Boarding-out Committee.
Name of child's parent.
Name of child.
Whether blind or deaf.
Religious denomination of child's parent.
Name of foster-parent.
Certified school which the child is to attend.

I, *A.B.*, of , do hereby engage with the above-named school authority (*a*), in consideration of my receiving the sum of per week, to bring up *C.D.*, aged years on the day of last, as one of my own children, and to provide him with proper food, lodging, and washing, and to endeavour to train him in habits of truthfulness, obedience, personal cleanliness, and industry, as well as in such special industry or occupation as may be prescribed by the managers of the above-named certified school; to take care that the child shall attend duly at church [*or* chapel*], and shall attend the above-named certified school according to the provisions of the law for the time being, and will make such provision as may be necessary for the escort of the child to and from church [*or* chapel] and school; that I will provide for the proper repair and renewal of the child's clothing, and that in case of the child's illness, I will forthwith report such illness to the school authority (*a*), to the child's parent, and to the above-named boarding-out committee; and that I will at all reasonable times permit the child to be visited by his parent, and will at all times permit the child to be visited and the house to be inspected by any member of the boarding-out committee, and by any person specially appointed for that purpose by the school authority (*a*) or by the Education Department (*b*). I do also hereby engage, upon the demand of the child's parent or of a person duly authorised in

* Insert "church," "chapel," or according to the religious denomination which the child's parent belongs.

(*a*) That is, the local education authority; see E. E. (Blind and Deaf Children) Act, 1893, sect. 4 (a), p. 254; E. Act, 1902, Sch. III. (1), p. 291;

(*b*) For this read Board of Education: Board of Education Act, 1899, sect. 2 (1), p. 334.

writing by him or by the boarding-out committee, or by the school authority (*a*), to give up possession of the child.

† Any other matter which may be agreed upon may here be added.

†

Dated this day of 18 .

Signature (in full) of Foster-Parent.

Address of Foster-Parent.

Witness to the Signature of the Foster-Parent.

Address of Witness.

N.B.—1. Communications to the school authority (*a*) to be addressed

2. Communications to the boarding-out committee to be addressed

3. Communications to the child's parent to be addressed

SCHEDULE IV.

Acknowledgment of Foster-Parent.

School Authority (*a*).

I, *A.B.*, of , hereby acknowledge that I have this day received *C.D.*, aged years, from the above-named school authority (*a*), on the terms and conditions contained in the annexed undertaking; and that I have also received for the use of the said *C.D.* the articles of clothing set out in the list appended hereto.

Dated this day of 18 .

(*Signed*)

Address

(*Witness*)

Address of Witness

List of Clothing.

(*Here set out the articles in detail.*)

(*a*) That is, the local education authority; see E. E. (Blind and Deaf Children) Act, 1893, sect. 4 (a), p. 254; E. Act, 1902, Sch. III. (1), p. 291.

SCHEDULE V.

School Managers' Report on Child.

CERTIFIED SCHOOL. *Report for the Quarter ending*

Name of Child.	Age.	Whether Blind or Deaf.	Name and Address of Foster-Parent.	Days absent from School during the Quarter.	Alleged Causes of Absence.	Observations as to Appearance, Conduct, and Progress of Child.	Books and Stationery and other Apparatus supplied during the Quarter.	School Fees and Cost of Books and Stationery and Apparatus.
								£ s. d.

(*Signature*)

(*Address*)

Date

N.B.—This report may be arranged in any other manner which may be deemed more convenient, provided that all the particulars above mentioned be included in it.

SCHEDULE VI.

School Authority's (a) Return to Education Department (b).

SCHOOL AUTHORITY (*a*).

*Return of the** *Children boarded-out in Homes on the 1st day of April* [or *October*], 18 .

Name of Child.	Age.	Name of Foster-Parent.	Address of Foster-Parent.	Boarding-out Committee under whose superintendence the Child is boarded out.	Date of first Boarding-out.	Date of Boarding-out with present Foster-Parent if there has been a change.	Name of certified School attended.
1.	2.	3.	4.	5.	6.	7.	8.

Clerk to the School Authority (a).

Date

* State whether blind or deaf.

(*a*) For this read Board of Education : Board of Education Act, 1899, sect. 2 (1), p. 334.

(*b*) That is, the local education authority ; see E. E. (Blind and Deaf Children) Act, 1893, sect. 4 (a), p. 254 ; E. Act, 1902, Sch. III. (1), p. 291.

SCHEDULE VII.

Boarding-out Committee's Return to Education Department (*a*).

RETURN of the* Children boarded out under the supervision of the Boarding-out Committee on the 1st day of January [or July], 18 , with the Names and Addresses of the Foster-Parents.

*State whether blind or deaf.

Name of Child.	Age.	Name and Address of Foster-Parent.	Name of certified School attended.

Signed

Secretary of the Boarding-out Committee.

Address

Date

SCHOOLS FOR BLIND OR DEAF CHILDREN.

BUILDING RULES.

Schools for the blind and the deaf should not be held in the same building.

The following rules should be read in connexion with the general rules laid down in Schedule VII. of the Day School Code as to drainage, warming, and ventilation.

Recreation Grounds.

Where no field or other larger space has been *secured*, the superficial area of the site should not be less than 30 square feet per child. The recreation grounds for girls and boys should be separate. There should be a covered gymnasium, or large shed open on one side, provided with ample top light, which, under supervision, may be used by boys and girls together.

Schoolrooms.

The area should be (as a rule) not less than 20 square feet per child, and the cubic contents should not be less than 240 cubic feet.

(*a*) That is, the Board of Education : see Board of Education Act, sect. 2 (1), p. 334.

The position should be on the ground floor, near the playground. Where boys and girls are taught in one room, the exits should be separate.

The light should be such as to suit the mode of teaching employed.

The children should, as a rule, be arranged in a semicircle around the teacher, and provided with top light in order to enable the teacher to see, in the case of the blind, every change of facial expression, and, in order that in the case of the deaf, the teacher and scholars may observe closely the action of the lips.

Where the children are not arranged in a semicircle, the light should be ample from both sides of the room.

Day Rooms.

These should be of at least the same size as the schoolrooms.

Dining Rooms.

These should be of sufficient size to seat each child comfortably, with space for the passage of waiters. There should be a minimum of 6 square feet per child.

Dormitories.

The minimum width should be 18 feet, the minimum area should be 36 square feet per child, and the minimum cubic capacity 360 cubic feet per child. A separate bed must be provided for each child, with sufficient space between the beds.

A dormitory should be supervised by means of a window in the bedroom of the officer in charge. In houses, or homes, having small bedrooms, the officer's bedroom should be closely adjoining on the same floor, and the doors of the bedrooms left wide open at night.

No boys over nine years of age should be lodged with girls, unless in a distinct wing approached by a separate staircase.

Boys under nine years of age may be lodged with girls, but must have separate sleeping rooms.

Each teacher should (as a rule) also have a separate room.

Sick Rooms.

These should be separate for each sex, and should consist of two rooms in each case—viz., one for the patients and the other for the nurse.

A detached building is also necessary for infectious cases, except in the neighbourhood of a hospital to which cases can be readily conveyed.

Baths.

These should be supplied with hot and cold water, and should be sufficient to enable each child to obtain a bath at least once a week

in winter and twice in summer. There must be a separate towel for each child. Lavatory basins should be sufficient to enable each child to wash the hands, face, and upper portion of the body morning and evening. No two children may wash at once at the same basin.

Latrines.

For day.—The provision of closets should be 10 per cent. on the number of boys, together with a urinal; and 15 per cent. on the number of girls.

For night.—One or two closets should be provided adjoining the dormitories, but disconnected therefrom by a lobby having a current of air by windows on two sides.

Staircases and Corridors.

These must be fire-proof.

Fire Escapes.

Where only one staircase exists, or where the dormitories are at some distance from the staircases, fire escapes should be provided.

MANUAL INSTRUCTION OR INDUSTRIAL TRAINING IN SCHOOLS FOR THE BLIND AND DEAF.

MEMORANDUM I. (B. & D.).

The following subjects have been accepted by the Education Department as proper to be included in the "Course of Manual Instruction or Industrial Training," which may be approved under paragraph (b) of the Minute of 2nd April, 1894:—

Wood carving.
Woodwork (carpentry).
Woodwork (advanced Sloyd).
Bent ironwork.
Chair caning.
Basket making.
Mat making.
Gardening.
Tailoring.
Mattress making.
Shoemaking.
Printing.
Piano tuning.
Cookery work (girls).
Laundry work (girls).
Machine sewing (girls).
Needlework (girls), if accompanied by dress cutting.

Housework (girls), if accompanied by domestic economy.

"Suitable occupations" for children over seven, for whom such would be sufficient in an ordinary public elementary school as a class subject.

Knitting of garments, not confined to cuffs, socks, and stockings, by blind girls, if systematically taught and practised as an industrial occupation.

Typewriting.

The above list is not intended to exclude other subjects that may in future be submitted for approval.

The "course" must extend throughout the year, and must occupy not less than four hours each week.

The scholars should be taught these subjects in classes by themselves (*a*).

LIST OF SCHOOLS CERTIFIED BY THE EDUCATION DEPARTMENT UNDER SECTION 2 OF THE ELEMENTARY EDUCATION (BLIND AND DEAF CHILDREN) ACT, 1893.

County.	School District.	Schools.	Accommodation.	
			Boarders.	Day Scholars.
Derby	Derby (Borough).	Midland Deaf and Dumb School, Friar Gate, Derby.	60 boys. 60 girls.	— —
Devon	Exeter (Borough).	West of England Institution for the Deaf, Exeter.	63 children.	—
,,	,,	West of England Institution for the Blind, St. David's Hill, Exeter.	20 boys. 20 girls.	— —
,,	Plymouth (Borough).	Plymouth, Mount Street Board Deaf School.	—	79 children.
,,	,,	South Devon and Cornwall Institution for the Blind, Northill, Plymouth.	30 children.	—
Durham	South Shields (Borough).	South Shields, Cone Street Board Blind School.	—	12 ,,
,,	Stockton-on-Tees (Borough) (Ad. Co. of Durham).	Stockton-on-Tees Board Deaf School.	—	20 ,,

(*a*) This rule may be waived as regards deaf scholars in the case of laundry work, and the drawing and practical part of woodwork; and also in the case of cookery, provided the scholars are previously made familiar in their own school with the names of the chief articles of food, and with the names and uses of the implements employed in the kitchen, and have practice in actual weighing and measuring, before entering the cookery classes.

County.	School District.	Schools.	Accommodation.	
			Boarders.	Day Scholars.
Durham—*cont.*	Sunderland (Borough).	Sunderland, Villiers Street Board Blind School.	—	20 children.
Essex .	West Ham (Borough).	West Ham, Boyd Institute Board Deaf School.	—	30 ,,
,, .	,,	West Ham, Stratford Board Deaf School.	—	21 ,,
Gloucester	Bristol (Borough).	Bristol District Institution for Deaf and Dumb, Tyndall's Park, Clifton.	30 boys. 25 girls.	— —
,,	,,	Bristol Castle Board Deaf School	—	110 ,,
,,	,,	Bristol Asylum and School of Industry for the Blind, Queen's Road, Clifton.	37 boys. 28 girls.	— —
Hants .	Portsmouth (Borough).	Hants and Isle of Wight School and Home for the Blind, St. Edward's Road, Southsea.	72 children.	—
Lancaster	Burnley (Borough).	Burnley, Elizabeth Street Board Blind School.	—	26 ,,
,,	,,	Burnley, Elizabeth Street Board Deaf School.	—	89 ,,
,,	Fulwood (Ad. Co. of Lancs.).	Preston Industrial Institute for the Blind.	24 boys. 24 girls.	— —
,,	Liverpool (Borough).	Catholic Blind Asylum, 59, Brunswick Road, Liverpool.	50 boys. 36 girls.	— —
,,	,,	Schools for Deaf and Dumb, Oxford Street, Liverpool.	77 boys. 28 girls.	45 ,, —
,,	,,	School for the Indigent Blind, Hardman Street, Liverpool.	45 boys. 25 girls.	— —
,,	,,	Home for Blind Children, Devonshire Road, Princes Park, Liverpool.	20 boys. 20 girls.	— —
,,	Oldham (Borough).	Oldham, Crossbank Street Board Deaf School.	—	48 ,,
,,	,,	Oldham, St. Michael's Board Blind School.	—	15 ,,
,,	Preston (Borough).	The "Royal Cross" Deaf and Dumb School, Preston.	31 boys. 35 girls.	— —
,,	Stretford (Ad. Co. of Lancs.).	Manchester Schools for the Deaf, Old Trafford, Manchester.	200 children.	—
,,	,,	Henshaw's Blind Asylum, Old Trafford, Manchester.	50 boys. 41 girls.	— —
Leicester .	Leicester (Borough).	Leicester, Archdeacon Lane Board Deaf School.	—	60 ,,
London .	London	Stainer Homes for the Deaf, 6, Victoria Park Square, and 70, 72, 74 and 80, Pentonville Road.	150 children.	—
,, .	Chelsea (Division).	Jews' Deaf and Dumb Home, Notting Hill, W.	23 boys. 15 girls.	22 ,, —

County.	School District.	Schools.	Accommodation.	
			Boarders.	Day Scholars
London—*cont.*	Chelsea Div.—*cont.*	Chelsea, Park Walk Board Deaf School.	—	24 children.
,,	,,	Chelsea, St. Clement's Road Board Deaf School.	—	5 ,,
,,	,,	Notting Hill, Wornington Road Board Blind School.	—	10 ,,
,,	Finsbury (Division).	Bedford Row, Princeton Street, Board Blind School.	—	17 ,,
,,	,,	Clerkenwell, Hugh Myddelton Board Deaf School, No. 1.	—	144 ,,
,,	,,	Clerkenwell, Hugh Myddelton Board Deaf School, No. 2.	—	40 ,,
,,	,,	Drury Lane Board Deaf School.	—	24 ,,
,,	,,	Stoke Newington, Matthias Road Board Deaf School.	—	16 ,,
,,	Greenwich (Division).	Deptford, Stanley Street Board Deaf School.	—	24 ,,
,,	,,	Plumstead, Bloomfield Road Board Blind School.	—	6 ,,
,,	Hackney (Division).	Bethnal Green, Summerford Street Board Deaf School.	—	48 ,,
,,	,,	Bethnal Green, Turin Street Board Deaf School.	—	30 ,,
,,	,,	East London Home Blind School, Northumberland House, Lower Clapton Road, N.E.	25 children.	
,,	,,	Hackney, Morning Lane Board Deaf School.	—	24 ,,
,,	,,	Hoxton, Catherine Street Board Deaf School.	—	28 ,,
,,	East Lambeth (Division).	Camberwell, Boundary Lane Board Deaf School.	—	48 ,,
,,	,,	Peckham, Arthur Street Board Blind School.	—	13 ,,
,,	West Lambeth (Division).	Battersea, Ethelburga Street Board Deaf School.	—	30 ,,
,,	,,	Battersea, Winstanley Road Board Blind School.	—	11 ,,
,,	,,	Wandsworth Common, Indigent Blind Branch School.	40 children.	—
,,	Marylebone (Division).	Camden Town, The Brecknock Board Blind School.		
,,	,,	Fitzroy Square Oral Instruction Association Deaf School.	—	72 ,,
,,	,,	Hampstead Road, Stanhope Street Board Deaf School.	—	30 ,,
,,	,,	Marylebone, Capland Street Board Deaf School.	—	48 ,,

County.	School District.	Schools.	Accommodation.	
			Boarders.	Day Scholars.
London—*cont.*	Southwark (Division).	Bermondsey, Farncombe Street Board Deaf School.	—	18 children.
,,	,,	Southwark, Pocock Street Board Deaf School.	—	24 ,,
,,	Tower Hamlets (Division).	Bromley, High Street Board Blind School.	—	19 ,,
,,	,,	Limehouse, Farrance Street Board Deaf School.	—	32 ,,
,,	,,	The Highway Board Blind School	—	19 ,,
Middlesex	Ealing (Ad. Co. of Middlesex).	Ealing Training College Deaf School, Castle Bar Hill, Ealing, W.	5 boys. 15 girls.	— —
,,	Tottenham (Ad. Co. of Middlesex).	Tottenham, Bruce Grove Board Deaf School.	—	20 ,,
Norfolk	Great Yarmouth (Borough).	Great Yarmouth Central Board Blind School.	—	13 ,,
,,	,,	Great Yarmouth Central Board Deaf School.	—	18 ,,
,,	Norwich (Borough).	Norwich Institution for the Blind, Magdalen Street, Norwich.	35 boys. 25 girls.	10 ,,
Northumberland.	Benwell (Ad. Co. of Northumberland).	Royal Victoria School for the Blind, Northumberland Street, Newcastle-upon-Tyne.	80 children.	—
,,	Newcastle-upon-Tyne (Borough).	Northern Counties Institution for the Deaf, North Road, Newcastle-upon-Tyne.	94 boys. 68 girls.	— —
Nottingham.	Nottingham (Borough).	Nottingham, Clarendon Street Board Deaf School.	—	64 ,,
,,	,,	Midland Institution for the Blind, Chaucer Street, Nottingham.	49 children.	7 ,,
Somerset	Wellington (Ad. Co. of Somerset).	Wellington, Rockwell Green Board Blind School.	—	8 ,,
Stafford	Stoke-on-Trent, U.D.	North Staffordshire Joint Board Blind and Deaf School.	71 boys. 41 girls. (Deaf). 14 boys. 13 girls. (Blind).	— — — —
Surrey	Croydon (Borough).	Upper Norwood (*a*) Preparatory Board Blind School, Upper Norwood, S.E.	138 children.	—

(*a*) This school is maintained by the School Board for London.

County.	School District.	Schools.	Accommodation	
			Boarders.	Day Scholars.
Surrey—*cont.*	Croydon (Boro.)—*cont.*	Croydon, Princess Road Board Deaf School.	—	18 children.
Sussex (East)	Brighton & Preston, U.D.	Barclay Home Blind School, St. Michael's Place, Brighton.	18 girls.	—
,,	,,	Brighton Deaf and Dumb Institution, Eastern Road, Brighton.	45 boys. 33 girls.	— —
,,	,,	Brighton Asylum for the Blind, Eastern Road, Brighton.	24 boys. 24 girls.	— —
Warwick	Aston, U.D. (Ad. Co. of Warwick).	Aston, Whitehead Road Board Deaf School.	—	16 ,,
,,	Birmingham (Borough).	Birmingham, Moseley Road Board Deaf School.	—	45 ,,
,,	,,	Birmingham, Staniforth Hall Board Deaf School.	—	30 ,,
,,	,,	General Institution for the Blind, Edgbaston, Birmingham.	66 boys. 50 girls.	— —
,,	,,	Royal Institution for the Deaf and Dumb, Edgbaston, Birmingham.	153 children.	—
York	Boston Spa (Ad. Co. of York, West Riding).	Boston Spa, St. John's Institution for Deaf and Dumb.	92 boys. 94 girls.	— —
,,	Bradford (Borough).	Bradford, Carlton Street Board Deaf School.	—	30 ,,
,,	,,	Bradford, Mannville Board Blind School.	—	22 ,,
,,	Doncaster (Borough) (Ad. Co. of York, West Riding).	Yorkshire Institution for the Deaf, Doncaster.	70 boys. 50 girls.	— —
,,	Kingston-upon-Hull (Borough).	Kingston-upon-Hull, Brunswick Avenue Board Deaf School.	—	60 ,,
,,	Leeds (Borough).	Leeds, Upper Albion Street Board Deaf School.	—	60 ,,
,,	,,	Leeds Board Home and School for the Blind.	33 children.	20 ,,
,,	Middlesbrough (Borough).	Middlesbrough Board Deaf School	—	28 ,,
,,	North Bierley (Ad. Co. of York, West Riding).	North Bierley, Low Moor, Oxley Place, Blind School.	—	8 ,,

County.	School District.	Schools.	Accommodation.	
			Boarders.	Day Scholars.
,,	Sheffield (Borough).	Sheffield Institution for the Blind, Broomhill, Sheffield.	35 boys. 35 girls.	— —
,,	,,	Sheffield, Orchard Lane Board Deaf School.		44 children.
,,	York (Borough).	Yorkshire School for the Blind, Manor House, York.	47 boys. 33 girls.	—

WALES.

Carmarthen.	Llanelly	Llanelly, Lakefield Road Board Deaf School.	—	24 children.
Glamorgan	Cardiff (Borough).	Cardiff, Radnor Street Board Blind School.	—	3 ,,
,,	,,	Cardiff, Stacey Road Board Blind School.	—	6 ,,
,,	,,	Cardiff, Wood Street Board Deaf School.	—	16 ,,
,,	Pontypridd.	Pontypridd Graig Board Deaf School.	—	18 ,,
,,	Swansea, U.D.	Swansea and South Wales Institution for the Blind, Northampton Place, Swansea.	15 boys. 10 girls.	— —
,,	,,	Royal Cambrian Institution for the Deaf and Dumb, Mount Pleasant, Swansea.	33 boys. 28 girls.	— —
,,	Ystradyfodwg.	Ystradyfodwg Porth Board Deaf School.	—	20 ,,

31st March, 1897.

MINUTE OF THE COMMITTEE OF COUNCIL ON EDUCATION, DATED 26TH FEBRUARY, 1900, PROVIDING FOR GRANTS ON ACCOUNT OF THE EDUCATION OF DEFECTIVE AND EPILEPTIC CHILDREN AND PRESCRIBING CONDITIONS TO BE FULFILLED BY CERTIFIED SCHOOLS FOR SUCH CHILDREN.

At the Council Chamber, Whitehall, the 26th day of February, 1900.

By the Lords of Her Majesty's Most Honourable Privy Council on Education.

Their Lordships having had under consideration the Elementary Education (Defective and Epileptic Children) Act, 1899 (*a*), read and approved the following Minute:—

I. Day Schools and Classes.

Day Schools or classes for defective children are public elementary schools or classes attached to public elementary schools, differing only from ordinary public elementary schools in the special conditions hereinafter required and the special grants made for them. In other respects they are subject to the ordinary requirements of the Day School Code (*b*). Schools or classes for defective children are called "special" schools or classes.

Her Majesty's Inspector will inspect special schools and classes in the ordinary course. He will pay his visits without notice, and will satisfy himself that all the conditions of the grant are fulfilled. In no case will he hold a formal examination. The Department (*c*) reserves the power to inspect schools or classes by means of any officers whom it may appoint for the purpose.

The following conditions must be fulfilled by schools or classes that are certified as special schools or classes:—

(1.) The premises must be approved by the Department (*c*).

In the case of new premises—

(a.) 20 square feet of floor space per child in average attendance must be provided in the class-rooms.

(b.) All playgrounds, offices, lavatories, entrances and passages must be so constructed as to admit of easy supervision by the teacher of the special class, and must, as a rule, be kept for the sole use of the children attending the special class.

(c.) All rooms, must, as a rule, be constructed on the ground floor.

(d.) Where the premises are intended for the use of more than one class, they must, as a rule, include a wide and

(*a*) See p. 202.
(*b*) See p. 629.
(*c*) Now Board of Education: Board of Education Act, 1899, sect. 2 (1), p. 334.

well-lighted corridor, which can be used for drill and assembling.

(e) Each child must, as a rule, be provided with a single desk of suitable size, and sloped at an angle of from 10 to 15 degrees.

The approval of premises, which have already been approved as suitable for special schools or classes, will be continued provided that conditions (a) and (b) be satisfied.

(2.) No children may be admitted, except those who have been ascertained to be defective within the meaning of the Elementary Education (Defective and Epileptic Children) Act, 1899, under arrangements approved by the Education Department (*a*). No child may be admitted at less than seven years of age, or retained after reaching the age of sixteen.

(3.) Proper records must be made at the time of admission and afterwards—

(a.) As to the child's capacity, habits, attainments, and health.

(b.) As to the family history of the child;

(c.) As to the progress of the child in the special school or class.

(4.) The children must, from time to time, be inspected by a medical officer appointed for the purpose by the school authority (*b*), and records of such inspections must be kept. Provision must be made for the examination, from time to time, of every child, in order to ascertain whether he has attained such a mental and physical condition as to be fit to attend an ordinary class in a public elementary school, and the school authority (*b*) shall make provision for such examination in the case of any child whose parent claims such examination of his child, provided that the parent shall not make such claim within less than six months after his child has been examined. The decision of the Education Department (*a*) is final as to whether a child may be retained in a special school or class as defective.

(5.) Every special school or class must have managers specially appointed, who will undertake to visit the school or class from time to time during school hours.

(6.) The children must not for any lessons be mixed with the children of the ordinary public elementary schools.

(7.) Each class must have a separate teacher of its own.

(8.) The principal teacher must hold the certificate of the Education Department (*a*) or of the National Froebel Union. When

(*a*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1), p. 334.

(*b*) Now the local education authority: E. E. (Defective and Epileptic Children) Act, 1899, sect. 1, p. 262; E. E. (Blind and Deaf Children) Act, 1893, sect. 4 (a), p. 254.

there are less than 10 children on the roll the principal teacher may be one qualified under article 50 of the Code.

As a rule, men will not be approved as teachers of special schools or classes.

(9.) Subject to the continued recognition of the uncertificated teachers at present employed, assistant teachers not certificated will only be recognised in places where there is more than one class, and where a certificated teacher is in charge as principal. Such assistants should be persons qualified under article 50 of the Code (*a*), or holders of a certificate from the National Froebel Union. No one under the age of 21 will be recognised as a teacher in a special class.

(10.) Her Majesty's inspector must annually approve of all the staff employed. The withholding of approval of a teacher as a special teacher of defective children will in no way affect the teacher's qualification for teaching in ordinary schools.

(11.) The number of children in average attendance may not exceed 20 for each class, except that, if the number of classes at a centre exceed two, there may be an average attendance of 30 in each class after the first two.

(12.) Before any teacher is recognised as a principal teacher she must have at least six months' experience in a special school or class approved by the Department (*b*).

(13.) The hours during which a special school or class is open must not exceed two and a half in the morning and two in the afternoon. An interval of at least an hour and a half must be interposed between the morning and the afternoon meeting of the school or class.

The minimum time of attendance is attendance at secular instruction for an hour and a half; time spent in recreation or registration must not be included in the minimum period of an hour and a half.

(14.) The time-table must provide for—

(a.) Instruction in the elements of reading, writing and arithmetic;
(b.) Singing and recitation;
(c.) Object lessons;
(d.) Drawing;
(e.) Needlework for girls;
(f.) Physical exercises;
(g.) Manual instruction.

(15.) As a rule, not less than six hours of manual instruction must be given weekly to every child. For the purposes of manual instruction the children must be classed as "younger children" and "older children" respectively; this classification

(*a*) See p. 643.

(*b*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1); p. 334.

must not depend upon any fixed rule as to age, but must be so made as to assign to each child that form of manual instruction which is suitable to his skill and capacity. Form of manual instruction approved by the Department (*a*) as suitable (a) for younger children, (b) for older boys, (c) for older girls, are shown on the list appended to this Minute. In the case of girls, time spent in needlework may, to the extent of two hours per week, be counted as part of the minimum six hours of manual instruction. Other forms of manual instruction which the managers consider suitable for either the younger or the older children may be submitted to the Department (*a*) for approval. With the approval of the inspector, manual instruction may be given elsewhere than on the premises of the special school or class, but in no case may the children be taught together with children attending an ordinary public elementary school. No class for the manual instruction of older children may, as a rule, contain more than ten children present at any one time.

(16.) Where the above conditions are satisfied, grants will be paid annually at the following rates for each unit of average attendance:—

For instruction other than manual instruction, 50*s*.

For manual instruction of younger children, 30*s*., and older children, 40*s*.

For each complete tenth of a unit of average attendance a tenth of the above grants will be paid.

These grants are in lieu of the annual grant and the fee grant payable to ordinary public elementary schools.

II. Certified Schools for Boarding and Lodging Defective Children.

The following conditions must be fulfilled by schools that are certified for boarding and lodging defective children:—

(1.) The schools must be exclusively confined to children who are ascertained to be defective within the meaning of the Elementary Education (Defective and Epileptic Children) Act, 1889 (section 1).

(2.) No establishment established after the commencement of the Elementary Education (Defective and Epileptic Children) Act (9th August, 1899) can be certified for boarding and lodging more than 15 defective children in one building, or comprising more than four such buildings (section 2 (6)).

(3.) The premises must be approved by the Department (*a*).

The following rules should be observed in connection with the

(*a*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1), p. 334.

general rules laid down in Schedule VII. of the Day School Code:—

(a) *Recreation Grounds.*

The superficial area of the uncovered ground should be not less than 30 square feet per child. The recreation grounds for girls and boys should be separate. There should be a covered gymnasium, or large shed open on one side, provided with ample top light and ventilation. Under supervision this may be used by boys and girls together.

(b) *Schoolrooms.*

The area should be not less than 20 square feet per child, and the cubic contents should be not less than 240 cubic feet. The position should be on the ground floor, near the playground. The exits for the sexes should be separate. Each desk should be for one child only.

(c) *Play Rooms.*

These should be of at least the same size as the schoolrooms.

(d) *Dining Rooms.*

These should be of sufficient size to seat each child comfortably, with space for the passage of waiters. The minimum area is 10 square feet per child.

(e) *Dormitories.*

The minimum width should be 18 feet, the minimum area should be 50 square feet per child, and the minimum cubic capacity 500 cubic feet per child. A separate bed must be provided for each child, with sufficient space between the beds.

A dormitory should be supervised by means of a window in the bedroom of the officer in charge. In houses, or homes, having small bedrooms, the officer's bedroom should be closely adjoining on the same floor, and the doors of the bedrooms left wide open at night.

No boys over nine years of age should be lodged with girls unless in a distinct wing approached by a separate staircase.

Boys under nine years of age may be housed in the same buildings with girls, but must have separate dormitories.

Each teacher should have a separate bedroom.

(f) *Sick Rooms.*

These should be separate for each sex, and should consist of two rooms at least in each case, viz., one for the patients and the other for the nurse. An aspect S.E. or S.W. is to be preferred.

A detached building is also necessary for infectious cases.

except in the neighbourhood of a hospital to which cases can be readily conveyed.

(g) *Baths.*

These should be supplied with hot and cold water, and should be of sufficient number to enable each child to obtain a bath at least once a week in winter and twice in summer. Lavatory basins should be sufficient to enable each child to wash the hands, face, and upper portion of the body morning and evening.

(h) *Latrines.*

For day.—The provision of closets should be 10 per cent. on the number of boys, together with a urinal; and 15 per cent. on the number of girls, with facility for frequent supervision.

For night.—One or two closets should be provided adjoining the dormitories, but disconnected therefrom by a lobby having a current of air by windows on two sides.

(k) *Staircases and Corridors.*

These must be fireproof.

(l) *Fire Escapes.*

Where only one staircase exists, or where the dormitories are at some distance from the staircases, fire escapes should be provided.

(4.) No children may be admitted at less than seven years of age, or retained after reaching the age of sixteen.

(5.) The sexes should be separated, as a rule, for all purposes, except meals and lessons and recreation under supervision.

(6.) The staff of every certified school must be approved by the Education Department (*a*).

(7.) The schools must be at all times open to the officers of the Education Department (*a*) or of the school authorities (*b*) by whom the children are sent.

(8.) The accounts must be audited by a professional auditor (*c*) and submitted to the Department (*a*) in such form as may be prescribed.

(9.) The provisions regulating religious instruction must be the same as those enacted by section eight of the Elementary Education (Blind and Deaf Children) Act, 1893.

(10.) Instruction must be given in accordance with the rules prescribed by the Education Department (*a*) for day schools and classes for defective children.

(*a*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1), p. 334.

(*b*) Now the local education authority; E. E. (Defective and Epileptic Children) Act, 1899, sect. 1, p. 262; E. E. (Blind and Deaf Children) Act, 1893, sect. 4 (a), p. 254.

(*c*) This will probably be modified having regard to the fact that the accounts of local education authorities are now audited by district auditors.

(11.) Where the above conditions are satisfied, grants will be paid annually at the following rates for each unit of average attendance:—

For instruction other than manual instruction, 50*s*.

For manual instruction of younger children, 30*s*.; and older children, 40*s*.

For each complete tenth of a unit of average attendance a tenth of the above grants will be paid.

These grants are in lieu of the annual grant and the fee grant payable to ordinary public elementary schools.

III. Certified Schools for Epileptic Children.

The following conditions must be fulfilled by schools that are certified for epileptic children:—

(1.) The schools must provide for the boarding, lodging, and medical treatment of the children as well as for their education. They must be exclusively confined to children who are epileptic within the meaning of the Elementary Education (Defective and Epileptic Children) Act, 1899.

(2.) No establishment established after the commencement of the Elementary Education (Defective and Epileptic Children) Act (9th August, 1899) can be certified for boarding and lodging more than 15 epileptic children in one building, or comprising more than four such buildings (section 2 (6) of the Act).

(3.) The premises must be approved by the Department (*a*). They should, if possible, be built all on one floor, so as to avoid the use of staircases. It is necessary that they should be situated in the country, or on a good pervious soil.

In other respects the rules laid down for the premises of certified schools for boarding and lodging defective children apply to the premises of certified schools for epileptic children.

(4.) No children may be admitted at less than seven years of age, or retained after reaching the age of sixteen.

(5.) The sexes should be separated, as a rule, for all purposes, except meals and lessons and recreation under supervision.

(6.) The staff of every certified school must be approved by the Education Department (*a*).

(7.) The schools must be at all times open to the officers of the Education Department (*a*), or of the school authorities (*b*) by whom the children are sent.

(8.) The accounts must be audited by a professional auditor, and submitted to the Department (*a*) in such form as may be prescribed.

(*a*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1), p. 334.

(*b*) Now the local education authority; E. E. Defective and Epileptic Children Act, 1899, sect. 1, p. 262; E. E. (Blind and Deaf Children) Act, 1893, sect. 4 (a), p. 254.

(9.) The provisions regulating religious instruction must be the same as those enacted by section eight of the Elementary Education (Blind and Deaf Children) Act, 1893.

(10.) The school instruction should as nearly as possible resemble that given in an ordinary elementary school.

(11.) Not less than six hours of manual instruction must be given weekly to each child. It should have for its objects—(1), to train the hand and eye and brain; (2), to fit a child to earn a living; and it should be chosen with a view of improving the health of the children. More highly skilled forms of manual instruction than those provided for defective children may be suitable for epileptic children; and it will be necessary to guard against dangerous tools or machinery. The forms of manual training proposed should be submitted to the Department (*a*) for approval. For purposes of manual instruction children must be classed as "younger children" and "older children" respectively. This classification must not depend upon any fixed rule as to age, but must be made so as to assign to each child that form of manual instruction which is suitable to his skill and capacity.

(12.) Where the above conditions are satisfied, grants will be paid annually at the following rates for each unit of average attendance:—

For instruction other than manual instruction, 50*s*.

For manual instruction of younger children, 30*s*.; and older children, 40*s*.

For each tenth of a unit of average attendance a tenth of the above grants will be paid.

These grants are in lieu of the annual grant and the fee grant payable to ordinary public elementary schools.

SPECIAL SCHOOLS AND CLASSES.

Forms of Manual Instruction.

(a.) Suitable for younger children—

Paper-mat making.
Clay-modelling.
Macramé-work and various other forms of string work.
Pricking, colouring, and kindergarten sewing.
Basket-making.
Paper-folding.
Bead-threading.
Paper cutting and mounting.
Building with cubes.
Worsted-work.
Needle-work.

(*a*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1), p. 334.

(b.) Suitable for older boys—
Wood-work of various kinds.
Shoe-making.
Basket-making.
Modelling in pasteboard (the German *pappe-werk*).
Chair-caning.
Mat-making.
Tailoring.
Gardening and farm-work.

(c.) Suitable for older girls—
Cookery.
Laundry-work.
Practical housewifery.
Needlework.

N.B.—Out of the minimum six hours per week of manual instruction not more than two hours may be devoted to needlework.

REGULATIONS AS TO BOARDING OUT DEFECTIVE CHILDREN.

(Elementary Education (Defective and Epileptic Children) Act, 1899, s. 2 (1).)

At the Council Chamber, Whitehall, the 26th day of February, 1900.

By the Lords of the Committee of Her Majesty's Most Honourable Privy Council on Education.

The Lords of the Committee of Privy Council on Education, by virtue and in pursuance of the powers in them vested under the Elementary Education (Defective and Epileptic Children) Act, 1899 (*a*), and of every other power enabling them in this behalf, do order, and it is hereby ordered, that the following regulations be observed:—

1. A school authority (*b*) may, subject to the provisions of these regulations, board out defective children resident in their district in homes conveniently near to a school for the time being certified by the Education Department (*c*) as suitable for providing elementary education for such children, under arrangements approved by the Education Department (*c*) with a boarding-out committee, constituted as hereinafter mentioned.

2. A boarding-out committee shall consist of three or more

(*a*) See p. 263.

(*b*) That is, the local education authority; see E. E. (Defective and Epileptic Children) Act, 1899, sect. 1, p. 262; E. E. (Blind and Deaf Children) Act, 1893, sect. 4 (a), p. 254; E. Act, 1902, Sch. III. (1), p. 291; see also p. 30.

(*c*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1), p. 334.

persons, to be approved by the Education Department (*a*), who shall have signed an engagement in the form annexed to this Order (Schedule I.).

3. Any person deriving any pecuniary or other personal profit from the boarding out of any child shall be thereby disqualified from becoming or continuing to be a member of any such boarding-out committee.

4. The boarding-out committee shall from time to time appoint one of their members to act as secretary; and it shall be the duty of the secretary punctually to inform the Education Department (*a*) of any vacancies which may be caused by death, resignation, or otherwise, amongst the members of the committee, and to submit the names of the persons proposed to fill the vacancies.

5. A child may be withdrawn from a home by its parent or by the school authority (*b*) of the district from which the child is sent, notice of the intention to do so being given at least one week beforehand to the boarding-out committee; and the foster-parent shall, upon the demand of a person duly authorised in writing by the boarding-out committee, or by the school authority (*b*), or by the parent, deliver up the child to such person.

6. The regulations to be observed by the school authority (*b*) with respect to such boarding out of defective children shall be as follows:—

(1.) No child shall be boarded out without the parent's consent.

(2.) Except in the case of brothers or sisters there shall not be more than one defective child resident in the same home at the same time, whether boarded out or not.

(3.) No child shall be boarded out in a home in which, at the time when the child would first be placed in it, there would be with such child more than four children resident, or in which any poor law child is boarded out by the guardians.

(4.) No child shall be boarded out with any person who is at the time, or who has been within twelve months preceding, in receipt of relief; and if the foster-parent shall at any time become in receipt of relief, any child boarded out with him shall be withdrawn from him.

(5.) The school authority (*b*) shall, if possible, arrange for the boarding out being with a person belonging to the religious persuasion of the child's parent (section 12 of the Act).

(6.) No child shall be boarded out without a certificate, in the form annexed to this Order (Schedule II.), signed by a duly

(*a*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1), p. 334.

(*b*) That is, the local education authority; see E. E. (Defective and Epileptic Children) Act, 1899, sect. 1, p. 262; E. E. (Blind and Deaf Children) Act, 1893, sect. 4 (a), p. 254; E. Act, 1902, Sch. III. (1), p. 291; see also p. 30.

qualified medical practitioner, stating the particulars of the child's health, such certificate to be forwarded by the school authority (*a*) to the boarding-out committee.

(7.) Before receiving any child to be boarded out with him, the foster-parent shall sign an undertaking in duplicate, which shall, in addition to any other matter which may be agreed upon, contain an engagement on the part of the foster-parent, that, in consideration of a certain sum per week, he will bring up the child as one of his own children, and provide the child with proper food, lodging, and washing, and endeavour to train the child in habits of truthfulness, obedience, personal cleanliness, and industry, as well as in such special industry or occupations as may be prescribed by the managers of the certified school which the child attends; that he will take care that the child shall attend duly at church or chapel according to the religious denomination to which the child belongs, and shall attend the particular certified school directed by the school authority (*a*) according to the provisions of the law for the time being, and will make such provision as may be necessary for the escort of the child to and from church or chapel and school; that he will provide for the proper repair and renewal of the child's clothing, and that, in case of the child's illness, he will forthwith report such illness to the school authority (*a*), to the child's parent, and to the boarding-out committee; and that he will at all reasonable times permit the child to be visited by his parent, and will at all times permit the child to be visited, and the house to be inspected by any member of the boarding-out committee, and by any person specially appointed for that purpose by the school authority (*a*) or by the Education Department (*b*). The undertaking shall also contain an engagement on the part of the foster-parent that he will, upon the demand of the child's parent or of a person duly authorised in writing by him or by the boarding-out committee, or by the school authority (*a*), give up possession of the child.

Such undertaking shall be made in triplicate according to the form annexed to this Order (Schedule III.). One copy of it shall be kept by the foster-parent, another by the school authority (*a*) and another by the child's parent.

(8.) On the delivery of the child to the foster-parent an acknowledgment shall be given in the form hereinafter prescribed (Schedule IV.), or to the like effect.

(9.) In no case shall the sum to be paid to the foster-parent for

(*a*) That is, the local education authority; see E. E. (Defective and Epileptic Children) Act, 1899, sect. 1, p. 262; E. E. (Blind and Deaf Children) Act, 1893, sect. 4 (a), p. 254; E. Act, 1902, Sch. III. (1), p. 291; see also p. 30.

(*b*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1), p. 334.

the maintenance of a child, inclusive of lodging, but exclusive of clothing, school fees, fees for medical attendance, medicines, and extras ordered by a medical attendant, be less than six or more than ten shillings per week.

(10.) Unless arrangements can be made for transit by some public conveyance, no child shall be boarded out in a home distant more than one mile from the certified school which the child attends.

(11.) The managers of the certified school shall undertake to receive the child and to send to the school authority (*a*) at least once a quarter a written report upon the child, in the form annexed to this Order (Schedule V.)

(12). No child shall be boarded out in any home which is distant more than five miles by the nearest road of access from the residence of some member of the boarding-out committee.

7. Every boarded-out child shall be visited not less often than once in every month by a member of the boarding-out committee at the home of the foster-parent, and the visitor shall thereupon make a report in writing to the committee, mentioning the apparent bodily condition and the behaviour of such child, and the state of the home, and all reasonable complaints made by the child or the foster parent.

These reports shall be forwarded by the boarding-out committee to the school authority (*a*), and to the child's parent not less often than quarterly.

If in the case of any boarded-out child no such report shall be received by the school authority (*a*), or the parent for the space of four consecutive months, the school authority (*a*) shall in default of satisfactory explanation withdraw the child from the home with all reasonable expedition.

8.—(1.) The clerk to the school authority (*a*) shall, as soon as practicable after the first day of April and the first day of October in every year, make a return to the Education Department (*b*), in the form annexed to this Order (Schedule VI.), of the several children remaining so boarded out on those dates respectively.

(2.) The secretary to the boarding-out committee shall make a return to the Education Department (*b*) as soon as practicable after the first day of January and the first day of July in every year of the several children remaining boarded out under the supervision of the committee on those days respectively under these regulations. Such return shall be made according to the prescribed form, Schedule VII. of this Order.

9. If the Education Department (*b*) shall withdraw from any boarding-out committee the authority to enter into arrangements

(*a*) That is, the local education authority; see E. E. (Defective and Epileptic Children) Act, 1899, sect. 1, p. 262; E. E. Blind and Deaf Children) Act, 1893, sect. 4 (a), p. 254; E. Act, 1902, Sch. III. (1), p. 291; see also p. 30.

(*b*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1), p. 334.

with school authorities (*a*), the school authorities (*a*) who have made arrangements with the said committee for the boarding out of children shall, on receiving notice of such withdrawal, provide with all reasonable expedition for the return of all children boarded out in homes found by such committee to their own homes or for their transfer to homes found by another boarding-out committee. Provided that it shall not be necessary for the school authority (*a*) to take back such children if the Education Department (*b*) declare that the withdrawal of authority from the committee shall not apply to children already boarded out under their superintendence.

10. Where the arrangements made by a school authority (*a*) with any boarding-out committee under these regulations include the payment of any sums by such committee on behalf of the school authority (*a*), the school authority (*a*) may, if they think fit, advance to the boarding out committee quarterly a sum not exceeding three-fourths of the expenditure which, in pursuance of such arrangements, may reasonably be expected to be incurred by such committee during the ensuing quarter.

11. In this Order—

The term "foster-parent" means the persons or person with whom any child is boarded out under the provisions of this Order.

Other expressions have, unless the contrary intention appears, the same meaning as in the Elementary Education (Defective and Epileptic Children) Act, 1899.

All words importing the masculine gender shall be deemed and taken to include females, and the singular to include the plural, and the plural the singular, unless the contrary as to gender or number is expressly provided.

G. W. KEKEWICH,
Secretary.

SCHEDULE I.

Engagement to Observe Regulations.

* In the case of a proposed addition to the committee substitute for the words in [ ] the following: "I, the undersigned, being desirous of becoming a member of the boarding-out committee formed," and also omit the words in italics.

[We, the undersigned, being desirous of being constituted a Boarding-out Committee*] for the purpose of finding and superintending homes for defective children, do hereby, *in the event of our obtaining the requisite authority of the Education Department* (*b*) *to act as a Boarding-out Committee*, engage truly and faithfully to observe the regulations of the Education Department (*b*) dated the

(*a*) That is, the local education authority; see E. E. (Defective and Epileptic Children) Act, 1899, sect. 1, p. 262; E. E. (Blind and Deaf Children) Act, 1893, sect. 4 (a), p. 254; E. Act, 1902, Sch. III. (1), p. 291; see also p. 30.

(*b*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1), p. 334.

26th day of February, 1900, or which may from time to time be prescribed by the Education Department (*a*) with respect to the boarding out of defective children.

And We [*or* I] do also hereby undertake to furnish to the Education Department (*a*) or to any of Her Majesty's inspectors of schools all such reasonable information respecting children who may be boarded out under the superintendence of the committee as the said Department or inspectors may from time to time require.

We desire to be known as the † Boarding-out Committee. † Insert name of place or district.

Signatures in full. *Addresses.*

Dated this day of 190 .

SCHEDULE II.

Medical Certificate.

(School Authority) (*b*).

I, the undersigned, having this day personally examined *C.D.*, aged years, residing at , hereby certify that he is not suffering from any contagious or infectious disease, and that h bodily health is good [with the exception that*].

(*Signed*)
Medical Qualifications
Address

Dated this day of 190 .

* Here state the particulars of any exceptions.

SCHEDULE III.

Undertaking of Foster-Parent.

BOARDING OUT OF DEFECTIVE CHILD.

School Authority (*b*).
Boarding-out Committee.
Name of child's parent.
Name of child.
Religious denomination of child's parent.
Name of foster-parent.
Certified school which the child is to attend.

I, *A.B.*, of , do hereby engage with the above-named school authority (*b*), in consideration of my receiving

(*a*) Now the Board of Education : Board of Education Act, 1899, sect. 2 (1), p. 334.

(*b*) That is, the local education authority ; see E. E. (Defective and Epileptic Children) Act, 1899, sect. 1, p. 262 ; E. E. (Blind and Deaf Children) Act, 1893, sect. 4 (a), p. 254 ; E. Act, 1902, Sch. III. (1), p. 291 ; see also p. 30.

the sum of per week, to bring up *C.D.*, aged years on the day of last, as one of my own children, and to provide him with proper food, lodging, and washing, and to endeavour to train him in habits of truthfulness, obedience, personal cleanliness, and industry, as well as in such special industry or occupation as may be prescribed by the managers of the above-named certified school; to take care that the child shall attend duly at church [*or* chapel*], and shall attend the above-named certified school according to the provisions of the law for the time being, and will make such provision as may be necessary for the escort of the child to and from church [*or* chapel] and school; that I will provide for the proper repair and renewal of the child's clothing, and that, in case of the child's illness, I will forthwith report such illness to the school authority (*a*), to the child's parent, and to the above-named boarding-out committee; and that I will at all reasonable times permit the child to be visited by his parent, and will at all times permit the child to be visited and the house to be inspected by any member of the boarding-out committee, and by any person specially appointed for that person by the school authority (*a*) or by the Education Department (*b*). I do also hereby engage, upon the demand of the child's parent, or of a person duly authorised in writing by him or by the boarding-out committee, or by the school authority (*a*) to give up possession of the child.

* Insert. "church," "chapel" or according to the religious denomination to which the child's parent belongs.

†

† Any other matter which may be agreed upon may here be added.

Dated this day of 190 .

Signature (in full) of Foster-Parent.

Address of Foster-Parent.

Witness to the Signature of the Foster-Parent.

Address of Witness.

N.B.—1. Communications to the School Authority to be addressed

2. Communications to the Boarding-out Committee to be addressed

3. Communications to the child's parent to be addressed

SCHEDULE IV.

Acknowledgment of Foster-Parent.

School Authority (*a*).

I, *A.B.*, of , hereby acknowledge that I have this day received *C.D.*, aged years, from the above-named

(*a*) That is, the local education authority; see E. E. (Defective and Epileptic Children) Act, 1899, sect. 1, p. 262; E. E. (Blind and Deaf Children) Act, 1893, sect. 4 (a), p. 254; E. Act, 1902, Sch. III. (1), p. 291; see also p. 30.

(*b*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1), p. 334.

school authority (*a*), on the terms and conditions contained in the annexed undertaking; and that I have also received for the use of the said *C.D.* the articles of clothing set out in the list appended hereto.

Dated this day of 190 .

(*Signed*)

Address.

(*Witness*)

Address of Witness.

LIST OF CLOTHING.

(*Here set out the articles in detail.*)

(*a*) That is, the local education authority; see E. E. (Defective and Epileptic Children) Act, 1899, sect. 1, p. 262; E. E. (Blind and Deaf Children) Act, 1893, sect. 4 (a), p. 254; E. Act, 1902, Sch. III. (1), p. 291; see also p. 30.

SCHEDULE V.

School Managers' Report on Child.

CERTIFIED SCHOOL. *Report for the Quarter ending*

Name of Child.	Date of Birth.	Name and Address of Foster-Parent.	Days absent from School during the Quarter.	Alleged Causes of Absence.	Observations as to Appearance, Conduct, and Progress of Child.	Books and Stationery and other Apparatus supplied during the Quarter.	School Fees and Cost of Books and Stationery and Apparatus.
							£ s. d.

(*Signature*)

(*Address*)

Date

N.B.—This report may be arranged in any other manner which may be deemed more convenient, provided that all the particulars above mentioned be included in it.

SCHEDULE VI.

School Authority's (a) *Return to Education Department* (b).

SCHOOL AUTHORITY.

Return of the Defective Children boarded out in Homes on the 1st *day of April* [or *October*], 1900.

Name of Child.	Date of Birth.	Name of Foster-Parent.	Address of Foster-Parent.	Boarding-out Committee under whose superintendence the Child is Boarded out.	Date of first Boarding out.	Date of Boarding out with present Foster-Parent, if there has been a change.	Name of certified School attended.
1.	2.	3.	4.	5.	6.	7.	8.

Clerk to the School Authority.

Date

(a) That is, the local education authority: see E. E. (Defective and Epileptic Children) Act, 1899, sect. 1, p. 262; E. E. (Blind and Deaf Children) Act, 1893, sect. 4 (a), p. 254; E. Act, 1902, Sch. III. (1), p. 291; see also p. 30.

(b) Now the Board of Education: Board of Education Act. 1899, sect. 2 (1), p. 334.

SCHEDULE VII.

Boarding-out Committee's Return to Education Department.

RETURN of the Defective Children Boarded-out under the supervision of the Boarding-out Committee on the 1st day of January [or July], 190 , with the Names and Addresses of the Foster-Parents.

Name of Child.	Date of Birth.	Name and Address of Foster-Parent.	Name of Certified School attended.	School Authority sending Child.

Signed

Secretary of the Boarding-out Committee.

Address

Date

DAY INDUSTRIAL SCHOOLS.

ORDER IN COUNCIL OF 20TH MARCH, 1877.

At the Court at Windsor, etc., etc.

Whereas by the 16th section of the Elementary Education Act, 1876, it is enacted as follows: (*a*)

If a Secretary of State is satisfied that, owing to the circumstances of any class of population in any school district, a school in which industrial training, elementary education, and one or more meals a day, but not lodging, are provided for the children, is necessary or expedient for the proper training and control of the children of such class, he may, in like manner as under the Industrial Schools Act, 1866, certify any such school (in this Act referred to as a day industrial school) in the neighbourhood of the said population to be a certified day industrial school.

* * * * * *

It shall be lawful for Her Majesty from time to time, by Order in Council, to apply to a certified day industrial school the provisions of the Industrial Schools Act, 1866, and the Acts amending the same, with such modifications as appear to Her Majesty to be necessary or proper for adapting such provisions to a day industrial school, and bringing them into conformity with this Act; and such Order may provide that a child may be punished for an offence by being sent to a certified industrial,

(*a*) See p. 233.

in lieu of a certified reformatory, school, or may otherwise mitigate any punishment imposed by the said Act.

It shall be lawful for Her Majesty from time to time, by Order in Council, to revoke and vary any Order in Council made under this section.

Every such Order shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or if not, within one month after the beginning of the then next session of Parliament, and while in force shall have effect as if it were enacted in this Act.

Now, therefore, in pursuance of the above-mentioned Act, Her Majesty is pleased, by and with the advice of her Most Honourable Privy Council, to order that the following provisions, being modified provisions of the Industrial Schools Act, 1866, and the Acts amending the same (*a*), shall apply to certified day industrial schools:

1. This Order shall not extend to Scotland or Ireland. Extent of Order.

Constitution of Certified Day Industrial Schools.

2. A day industrial school within this order shall mean a school in which industrial training, elementary education, and one or more meals a day, but not lodging, are provided for the children. Description of day industrial schools and managers. 29 & 30 Vict. c. 118, s. 5.

The persons for the time being having the management or control of such a school shall be deemed the managers thereof for the purposes of this Order.

3. The person who for the time being is inspector of industrial schools under the Industrial Schools Act, 1866, shall be also the inspector of day industrial schools. Inspector of day industrial schools and assistants. 29 & 30 Vict. c. 118, s. 6.

The Secretary of State may from time to time appoint a fit person or persons to assist the inspector; and every person so appointed shall have such of the powers and duties of the inspector of day industrial schools as the Secretary of State from time to time prescribes, but shall act under the direction of the inspector.

4. The Secretary of State may, on the application of the managers of a day industrial school, direct the inspector of day industrial schools to ascertain whether such school is in the neighbourhood of any class of population in any school district (*b*), the circumstances of which class are such that a day industrial school is necessary or expedient for the proper training and control of the children belonging to such class, and to examine into the condition of the school with respect to which the application is made, and its fitness for the reception of children to be sent there under this Order, and to report to him thereon, and the inspector shall examine and report accordingly. Mode of certifying day industrial school. 29 & 30 Vict. c. 118, s. 7.

(*a*) See the Acts, pp. 353—374.

(*b*) Construe as reference to an area for which a local education authority act: E. Act, 1902, Sch. III. (10).

If satisfied with the report of the inspector the Secretary of State may, by writing under his hand, certify that the school is fit for the reception of children under this Order, and thereupon the school shall be deemed a certified day industrial school.

School not to be certified day industrial school and also a certified industrial school or reformatory. 29 & 30 Vict. c. 118, s. 8.

5. A school shall not be at the same time a certified day industrial school under this Order, and a certified industrial school under the Industrial Schools Act, 1866, or any other Act, or a certified reformatory school.

Notices of certificate to be gazetted.

6. A notice of the grant of such certificate shall within one month be inserted by order of the Secretary of State in the London Gazette.

Copy of Gazette to be evidence. 29 & 30 Vict. c. 118, s. 9.

A copy of the Gazette containing the notice shall be conclusive evidence of the grant, which may also be proved by the certificate itself, or by an instrument purporting to be a copy of the certificate, and attested as such by the inspector of day industrial schools.

Inspection of school. 29 & 30 Vict. c. 118, s. 10.

7. Every certified day industrial school shall from time to time, and at least once in each year, be inspected by the inspector of day industrial schools, or by a person appointed to assist him as aforesaid.

Alterations, &c., of buildings to be approved. 29 & 30 Vict. c. 118, s. 11.

8. No substantial addition or alteration shall be made to or in the buildings of any certified day industrial school without the approval in writing of the Secretary of State.

9. Whereas it is enacted by the 16th section of the Elementary Education Act, 1876 (*a*), that a prison authority within the meaning of the Industrial Schools Act, 1866, shall have the same powers in relation to a certified day industrial school as they have in relation to a certified industrial school:

Power of prison authority.

It is hereby declared that a prison authority shall have the following powers:

Power to undertake or contribute towards establishment or maintenance of school. 29 & 30 Vict. c. 118, s. 27. 35 & 36 Vict. c. 21, s. 7.

(a.) A prison authority may from time to time either themselves undertake or contribute such sums of money on such conditions as they think fit, towards the alteration, enlargement, or rebuilding of a certified day industrial school or the support of the inmates of such a school, or the management of such a school, or the establishment or building of a school intended to be a certified day industrial school, or the purchase of land required either for the use of an existing certified day industrial school, or for the site of a school intended to be a certified day industrial school.

Provided,—

First, that not less than two months' previous notice of the intention of the prison authority, at a time and place to be mentioned in such notice, to take into consideration the entering into such undertaking or the making of such contribution, be given by advertisement in some one or more

(*a*) See p. 233.

public newspaper or newspapers circulated within the jurisdiction of the prison authority, and also in the manner in which notices relating to business to be transacted by the prison authority are usually given:

Secondly, that where the prison authority is the council of a borough, the order for the undertaking or contribution be made at a special meeting of the council:

Thirdly, that where the undertaking or contribution is for alteration, enlargement, rebuilding, establishment, or building of a school or intended school, or for purchase of land, the approval of the Secretary of State be previously given for that alteration, enlargement, rebuilding, establishment, building, or purchase.

Expenses of prison authority, how defrayed. 29 & 30 Vict. c. 118, s. 50.

(b.) Expenses incurred by a prison authority in carrying into effect the provisions of this Order may be deemed expenses incurred by that authority in carrying into effect the provisions of the Prison Act, 1865, and may be defrayed accordingly.

Power to borrow money for purposes of day industrial schools. 37 & 38 Vict. c. 47, s. 2.

(c.) Any prison authority may, with the approval of one of Her Majesty's Principal Secretaries of State, borrow money for the purpose of defraying the expense of any such undertaking or contribution on the part of such prison authority as is authorised by this Order with respect to altering, enlarging, rebuilding, establishing, building, or purchasing the site of any day industrial school.

Charge of borrowed moneys. 37 & 38 Vict. c. 47, s. 3.

Any moneys borrowed by a prison authority under this Order may be charged by that authority on any county rate, or rate in the nature of a county rate, borough rate, or other rate applicable to the maintenance of a prison and leviable by that authority, or on any other property belonging to that authority and applicable to the same purpose as the said rates, and shall be repaid, together with the interest due thereon, out of such rates or other property.

Certain clauses of 10 & 11 Vict. c. 16 as to borrowing money incorporated. 37 & 38 Vict. c. 47, s. 4.

The clauses of "The Commissioners Clauses Act, 1847," with the exception of the eighty-fourth clause with respect to mortgages to be created by the Commissioners, shall form part of and be incorporated with this Order, and any mortgagee or assignee may enforce payment of his principal and interest by appointment of a receiver.

In the construction of the said clauses "the Commissioners" shall mean "the prison authority."

Where a prison authority borrows any money under this Order they shall charge the rates or property out of which the moneys borrowed are payable, not only with the interest of the moneys so borrowed, but also with the payment of such further sum as will ensure the repayment of the whole sum borrowed within thirty years.

35 & 36 Vict. c. 21, s. 8.

Provided nevertheless,—

That in any borough having a school board, none of the powers declared by this Order to be exercisable by a prison authority shall be exerciseable by the council of the borough as such prison authority, except that if during not less than six months before the election of a school board in such borough the council has contributed to or maintained a day industrial school the powers declared by this Order to be exerciseable by the prison authority shall not cease to be exerciseable by the council with respect to such school until the school board in the borough resolve in the manner and with the consent (if any) prescribed by this Order to contribute towards or to maintain such day industrial school; and, notwithstanding any such resolution of the school board, any such day industrial school which was so maintained by the council may continue to be maintained by the council until the council agree to transfer such school to the school board.

Powers of school board.

10. Whereas by the 16th section of the Elementary Education Act, 1876, it is enacted that a school board (*a*) shall have the same powers in relation to a certified day industrial school as they have in relation to a certified industrial school:

And whereas by the 15th section of the same Act it is enacted as follows:

> The consent of one of Her Majesty's Principal Secretaries of State and not of the Education Department (*b*), shall be required for the establishing, building, and maintaining of a certified industrial or certified day industrial school by a school board (*a*), and to the spreading of the payment of the expense of such establishment and building over a number of years [*not exceeding fifty*] (*c*), and to the borrowing of money for that purpose; and for the purpose of such borrowing [section ten of the Elementary Education Act, 1873] (*d*), shall be held to apply to the loan in like manner as if one of Her Majesty's Principal Secretaries of State were substituted therein for the [Education Department] (*e*), and such establishment and building shall be deemed to be a work for which a school board is authorised to borrow within the meaning of the first schedule to the Public Works Loans Act, 1875 (*f*).

(*a*) Now local education authority; see p. 233, note (*f*).

(*b*) Now Board of Education; see p. 232, note (*c*).

(*c*) Words in italics repealed: E. Act, 1902, Sch. IV., Part II., p. 293.

(*d*) For reference to sect. 10 of the E. E. Act, 1873, substitute reference to the provisions as to borrowing of the E. Act, 1902: E. Act, 1902, Sch. III. (8), p. 292.

(*e*) For Education Department read Local Government Board: E. Act. 1902, Sch. III. (8), p. 292.

(*f*) See p. 168.

It is hereby declared and ordered that the following powers shall be exerciseable by a school board: (*a*)

(a.) A school board (*a*) may from time to time contribute such sums of money, and on such conditions as they think fit, towards the alteration, enlargement, or rebuilding of a certified day industrial school, or towards the support of the inmates of such a school, or towards the management of such a school, or towards the establishment or building of a school intended to be a certified day industrial school, or towards the purchase of land required either for the use of an existing certified day industrial school, or for the site of a school intended to be a certified day industrial school.

Power to contribute towards establishment or maintenance of school. 39 & 40 Vict. c. 79, s. 16; 33 & 34 Vict. c. 75, s. 27; 29 & 30 Vict. c. 118, s. 12; 36 & 37 Vict. c. 86, s. 14.

Provided—

1stly. That not less than 14 days' previous notice (*b*) of the intention of the school board (*a*), at a time and place to be mentioned in such notice, to take into consideration the making of such contribution, be given by advertisement in some one or more public newspaper or newspapers circulated within the school district, and also in the manner in which notices relating to business to be transacted by the school board (*a*) are usually given.

2ndly. That where the contribution is for alteration, enlargement, rebuilding, establishment, or building of a school or intended school, or for purchase of land, the approval of the Secretary of State be previously given for that alteration, enlargement, rebuilding, establishment, building, or purchase.

(b.) A school board (*a*) may also, with the consent of the Secretary of State, establish, build, and maintain a certified day industrial school, and shall for that purpose have the same powers as they have for the purpose of providing sufficient school accommodation for their district (*c*); and may further, with the like consent, spread the payment of such establishment and building over a number of years [*not exceeding* 50] (*d*), and borrow money for that purpose; and for the purpose of such borrowing [section 10 of the Elementary Education Act, 1873] (*e*), shall be held to apply to the loan in like manner as if a Secretary of State were substituted therein for the [Education Department] (*f*), and such establishment and building shall be

Power to establish and maintain school. 39 & 40 Vict. c. 79, s. 16; 33 & 34 Vict. c. 75, s. 28; 39 & 40 Vict. c. 79, s. 15.

(*a*) Now local education authority: E. Act, 1902, Sch. III. (10), p. 292.

(*b*) As to this see p. 34.

(*c*) For those powers see p. 26.

(*d*) Words in italics repealed: E. Act, 1902, Sch. IV., Part II., p. 293.

(*e*) For reference to sect. 10 of the E. E. Act, 1873, substitute reference to the provisions as to borrowing of the E. Act, 1902: E. Act, 1902, Sch. III. (8), p. 292.

(*f*) For Education Department read Local Government Board: E. Act 1902, Sch. III. (8), p. 292.

deemed to be a work for which a school board is authorised to borrow within the meaning of the first schedule of the Public Works Loans Act, 1875 (*a*).

A certified day industrial school so established, built, or maintained by a school board shall be subject to the jurisdiction of the Secretary of State, and not of the Education Department (*b*), and shall be subject to the provisions of this Order.

Provided always,—

That none of the powers declared by this clause of this Order to be exerciseable by a school board (*c*) shall be exerciseable in the case of a certified day industrial school which the council of the borough (*d*), as the prison authority, has maintained during not less than six months before the election of the original board, so long as the council themselves continue to maintain such school (*e*).

Mode of obtaining approval of Secretary of State. 29 & 30 Vict c. 118. s. 13.

11. In order to obtain the approval of the Secretary of State as aforesaid where required, the managers of the school, or promoters of the intended school, shall forward to the Secretary of State particulars of the proposed establishment or purchase, and a plan of the proposed alteration, enlargement, rebuilding, or building drawn on such scale, and accompanied by such particulars and estimate of cost, as the Secretary of State thinks fit to require; and the Secretary of State may approve of the particulars and plan submitted to him, with or without modification, or may disapprove of the same, and his approval or disapproval shall be certified by writing under his hand.

Classes of Children in Certified Day Industrial Schools.

39 & 40 Vict. c. 79, s. 16.

12. Whereas it is enacted by the 16th section of the Elementary Education Act, 1876 (*f*), that any child authorised by the Industrial Schools Act, 1866, to be sent to a certified industrial school, may, if the Court before whom the child is brought think it expedient, be sent to a certified day industrial school, it is hereby ordered and declared as follows:

Children sent under order of detention.

(a.) Any person may bring before a court of summary jurisdiction any child apparently under the age of fourteen years

(a.) Children under 14 years of age found begging, &c. 29 & 30 Vict. c. 118, s. 14.

(*a*) See p. 168.

(*b*) For Education Department read Local Government Board: E. Act, 1902, Sch. III. (8), p. 292.

(*c*) Now local education authority: E. Act, 1902, Sch. III. (10), p. 292.

(*d*) The council of the borough will now in the case of boroughs of over 10,000 inhabitants be the local education authority (see p. 4), unless they relinquish their powers, see p. 74.

(*e*) See Reformatory and Industrial Schools Act Amendment Act, 1872, sect. 8, p. 371.

(*f*) See the section, p. 233.

that comes within either of the following descriptions, namely,—

That is found begging or receiving alms (whether actually or under the pretext of selling or offering for sale any thing), or being in any street or public place for the purpose of so begging or receiving alms;

That frequents the company of reputed thieves.

The court before whom a child is brought as coming within one of those descriptions, if satisfied on inquiry of that fact, and that it is expedient to deal with him under this Order, may, by an order of detention, order him to be sent to a certified day industrial school.

(b.) Where a child apparently under the age of twelve years is charged before a court of summary jurisdiction with an offence punishable by imprisonment or a less punishment, but has not been convicted in England or Ireland of felony, or in Scotland of theft, and the child ought in the opinion of the court (regard being had to his age and to the circumstances of the case), to be dealt with under this Order, the court may, by an order of detention, order him to be sent to a certified day industrial school.

(b.) Children under 12 years of age charged with offences. 29 & 30 Vict. c. 118, s. 15.

(c.) Where the parent of a child apparently under the age of fourteen years represents to a court of summary jurisdiction that he is unable to control the child, and that he desires that the child be sent to a certified day industrial school, the court, if satisfied on inquiry that it is expedient to deal with the child under this Order, may, by an order of detention, order him to be sent to a certified day industrial school.

(c.) Refractory children under 14 years of age in charge of parent, &c. 29 & 30 Vict. c. 118, s. 16.

Such order of detention shall be made in manner herein-after provided in that behalf (*a*).

13. Whereas by the 11th section of the Elementary Education Act, 1876, it is enacted in the following terms (*b*):

Children sent under attendance order.

If either—

(1.) The parent of any child above the age of five years who is under this Act prohibited from being taken into full time employment, habitually and without reasonable excuse neglects to provide efficient elementary instruction for his child; or

(2.) Any child is found habitually wandering or not under proper control, or in the company of rogues, vagabonds, disorderly persons, or reputed criminals;

it shall be the duty of the local authority, after due warning to the parent of such child, to complain to a court of summary jurisdiction, and such court may, if satisfied of the truth of such complaint, order that the child do attend some certified efficient

(*a*) See paragraph 18, p. 520.

(*b*) See the section, p. 230.

school willing to receive him and named in the order, being either such as the parent may select, or, if he do not select any, then such public elementary school as the court think expedient, and the child shall attend that school every time that the school is open, or in such other regular manner as is specified in the order.

An order under this section is in this Act referred to as an attendance order.

Any of the following reasons shall be a reasonable excuse:

(1.) That there is not within two miles, measured according to the nearest road, from the residence of such child any public elementary school open which the child can attend; or

(2.) That the absence of the child from school has been caused by sickness or any unavoidable cause.

And whereas by the 16th section of the same Act it is declared that a certified day industrial school shall be deemed to be a certified efficient school within the meaning of the Act:

It is hereby ordered and declared that in the event of the court determining to make an attendance order requiring a child to attend a certified day industrial school, such attendance order shall be made in manner herein-after provided in that behalf (*a*).

Children sent under order of detention for non-compliance with attendance order.

14. Whereas it is enacted by the 12th section of the Elementary Education Act, 1876, in the following terms: (*b*)

Where an attendance order is not complied with, without any reasonable excuse within the meaning of this Act, a court of summary jurisdiction, on complaint made by the local authority (*c*), may, if it think fit, order as follows:

(1.) In the first case of non-compliance, if the parent of the child does not appear, or appears and fails to satisfy the court that he has used all reasonable efforts to enforce compliance with the order, the court may impose a penalty not exceeding with the costs five shillings; but if the parent satisfies the court that he has used all reasonable efforts as aforesaid, the court may, without inflicting a penalty, order the child to be sent to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child, then to a certified industrial school; and

(2.) In the second or any subsequent case of non-compliance with the order, the court may order the child to be sent to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child then to a

(*a*) See paragraph 19, p. 523.

(*b*) See the section, p. 231.

(*c*) Now local education authority: E. E. Act, 1876, sect. 7, p. 228; E. Act, 1902, Sch. IV., Part II., p. 293; Sch. III. (1), p. 291.

certified industrial school, and may further in its discretion inflict any such penalty as aforesaid, or it may for each such non-compliance inflict any such penalty as aforesaid without ordering the child to be sent to an industrial school;

Provided that a complaint under this section with respect to a continuing non-compliance with any attendance order shall not be repeated by the local authority (*a*) at any less interval than two weeks.

It is hereby ordered and declared that if on non-compliance with an attendance order a court of summary jurisdiction, in pursuance of the said 12th section of the said Act, order a child to be sent to a certified day industrial school, such order shall be an order of detention within the meaning of this Order, and shall be made in manner hereinafter provided in that behalf (*b*).

Children attending school without order of court.

15. Whereas by the 16th section of the Elementary Education Act, 1876 (*c*), it is enacted to the effect that the managers of a certified day industrial school may upon the request of a local authority (*a*) and of the parent of a child, and upon the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child such sum, not less than one shilling a week, as the Secretary of State from time to time fixes, receive such child into the school without an order of court:

It is hereby ordered that in such case as aforesaid the undertaking of the parent may be made as herein-after provided in that behalf (*d*).

Duty of local authority as to taking proceedings.

16. Whereas by the 13th section of the Elementary Education Act, 1876, it is enacted as follows (*e*):

Where the local authority (*a*) are informed by any person of any child in their jurisdiction who is stated by that person to be liable to be ordered by a court under this Act to attend school, or to be sent under this Act, or the Industrial Schools Act, 1866, to an industrial school, it shall be the duty of the local authority (*a*) to take proceedings under this Act or the Industrial Schools Act, 1866, accordingly, unless the local authority (*a*) think that it is inexpedient to take such proceedings.

Provided that nothing in this section shall relieve the local authority from the responsibility of performing their duty under the other provisions of this Act.

(*a*) The local education authority: E. E. Act, 1876, sect. 7, p. 228; E. Act, 1902, Sch. IV., Part II., p. 293; Sch. III. (1), p. 291.
(*b*) See paragraph 18, p. 520.
(*c*) See the section, p. 233.
(*d*) See paragraph 20, p. 523.
(*e*) See the section, p. 232.

It is hereby ordered and declared that in any proceedings taken by a local authority (*a*) with a view to obtaining an order of detention ordering a child to be detained in a certified day industrial school, or an attendance order requiring a child to attend a certified day industrial school, the provisions of this Order, so far as the same may be applicable, shall be strictly observed.

Child attending certified day industrial school in pursuance of licence from the managers of certified industrial school.

17. Whereas by the 14th section of the Elementary Education Act, 1876, it is enacted as follows: (*b*)

Where a child is sent to a certified industrial school under this Act, or the Industrial Schools Act, 1866, upon the complaint or representation of the local authority (*a*) under this Act, the managers of such school may, if they think fit, at any time after the expiration of one month after the child is so sent, give him a licence under section 27 of the Industrial Schools Act, 1866, to live out of the school, but the licence shall be conditional upon the child attending as a day scholar, in such regular manner as is specified in the licence, some school willing to receive him and named in the licence, and being a certified efficient school.

It is hereby ordered, that any child who in pursuance of such a licence attends a certified day industrial school shall be subject to the provisions of this Order relating to a child attending a certified day industrial school without an order of court (*c*).

Provisions as to Orders of Detention, Attendance Orders, Contributions of Parents, &c.

Provisions as to order of detention.

18. Whereas it is enacted by the 16th section of the Elementary Education Act, 1876, as follows: (*d*)

Where a court of summary jurisdiction orders otherwise than by an attendance order under this Act a child to be sent to a certified day industrial school, the court shall also order the parent of such child, if liable to maintain him, to contribute to his industrial training, elementary education, and meals in the school such sum not exceeding two shillings per week as is named in the order; it shall be the duty of the local authority (*a*) to obtain and enforce the said order, and every sum paid under the order shall be paid over to the local authority in aid of their expenses under this Act; if a parent resident in any parish is unable to pay the sum required by the said order to be paid, he shall apply to the guardians having jurisdiction in the parish, who, if satisfied of such inability, shall give the parent sufficient relief to pay the said sum, or so much thereof as they consider him unable to pay, and the money so given shall be charged to

(*a*) Now the local education authority: E. E. Act, 1876, sect. 7. p. 228; E. Act, 1902, Sch. IV., Part II., p. 293; Sch. III. (1), p. 291.

(*b*) See the section, p. 232.

(*c*) See paragraph 20, p. 523.

(*d*) See the section, p. 233.

the parish as provided by this Act in the case of money given for the payment of school fees.

And whereas by the same section of the Elementary Education Act, 1876, it is enacted that any child sent to a certified day industrial school by an order of a court (other than an attendance order under that Act) may during the period specified in the order be there detained during such hours as may be authorised by the rules of the school approved by the said Secretary of State, in this Order referred to under the expression "school hours":

Hours during which child may be detained at school under order of detention.

It is hereby ordered that with respect to an order of detention in a certified day industrial school the following provisions shall apply:

Form and contents of order sending child to school. 29 & 30 Vict. c. 118, s. 18.

(a.) The order of detention shall be in writing signed by the magistrate or one of the justices constituting the court of summary jurisdiction, and shall specify the name of the school:

(b.) The school shall be some certified day industrial school within two miles of the residence of the child (whether situate within the jurisdiction of the court making the order or not) the managers of which are willing to receive the child; and in determining on such school the court shall endeavour to ascertain the religious persuasion to which the child belongs, and shall if possible select a school conducted in accordance with such religious persuasion, and the order shall specify such religious persuasion:

(c.) The order shall specify the period for which the child is during school hours to be detained in the school, being such period as to the court seems proper for the teaching and training of the child, but not in any case more than three years or extending beyond the time when the child will attain the age of fourteen years:

Order to be warrant for detention. 29 & 30 Vict. c. 118, s. 22.

(d.) The order of detention in a school shall be forwarded to the managers of the school, and shall be a sufficient warrant for the detention of the child there during school hours; and the reception of the child by the managers of the school shall be deemed to be an undertaking by them to provide him with industrial training, elementary education, and one or more meals a day, but not lodging, during the whole period for which he is liable to be detained in the school, or until the withdrawal or resignation of the certificate of the school takes effect, or until the contribution to the school out of money provided by Parliament is discontinued, whichever shall first happen:

29 & 30 Vict. c. 118, s. 20.

(e.) If the parent, step-parent or guardian, or if there be no parent, step-parent or guardian, then the god-parent or nearest adult relative of a child sent or about to be sent under an order of detention to a certified day industrial school which

is not conducted in accordance with the religious persuasion to which the child belongs, states to the court of summary jurisdiction, by whom the order of detention has been or is about to be made, that he objects to the child being sent to or detained in the school specified or about to be specified in the order, and names another certified day industrial school within two miles of the residence of the child which is conducted in accordance with the religious persuasion to which the child belongs, and signifies his desire that the child be sent thereto, then and in every such case the court shall, upon proof of such child's religious persuasion, comply with the request of the applicant, provided—

First, That the application be made before the child has been sent to a certified day industrial school or within 30 days after his arrival at such school:

Secondly, That the applicant show to the satisfaction of the court of summary jurisdiction that the managers of the school named by him are willing to receive the child.

Provisions as to attendance order.

19. Whereas it is enacted by the 16th section of the Elementary Education Act, 1876 (*a*), that the managers of a certified day industrial school may, on the request of a local authority (*b*) and of the parent of a child, and on the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child not less than one shilling a week, as a Secretary of State from time to time fixes, receive such child into the school under an attendance order:

And whereas by the 11th section of the same Act it is enacted in effect that any child under an attendance order requiring him to attend a certified day industrial school shall attend that school every time that the school is open, or in any other regular manner as is specified in the order (*c*):

It is hereby ordered that with respect to an attendance order requiring attendance in a certified day industrial school, the following provisions shall apply:

(a.) The attendance order shall be in writing signed by the magistrate or one of the justices constituting the court of summary jurisdiction, and shall specify the name of the school, and the religious persuasion to which the child appears to the court to belong:

(b.) The school shall be some certified day industrial school, the managers of which are willing to receive the child, and shall be selected by the parent, and shall be situated within two miles of the residence of the child:

(*a*) See the section, p. 233.

(*b*) The local education authority: E. E. Act, 1876, sect. 7, p. 228; E. Act, 1902, Sch. IV., Part II., p. 293; Sch. III. (1), p. 291.

(*c*) See paragraph 13, *ante*, p. 517.

(c.) The attendance order shall specify the period for which the child is to attend the school, being such period as to the court seems proper, but not in any case for more than one year or extending beyond the time when the child will attain the age of 14 years:

(d.) Unless the order otherwise specifies, the child shall, so long as the attendance order is in force, attend the school every time that the school is open:

(e.) The attendance order shall be forwarded to the managers of the school, and the reception of the child by the managers of the school shall be deemed to be an undertaking by them to provide him with industrial training, elementary education, and one or more meals a day, but not lodging, during the whole period during which such attendance order is in force, or until the withdrawal or resignation of the certificate of the school takes effect, or until the contribution to the school of money provided by Parliament is discontinued, whichever shall first happen; provided that such undertaking of the managers shall be suspended during any week with respect to which the contribution of the parent has not been paid in advance.

Provisions as to child attending without order of court.

20. Whereas it is enacted by the 16th section of the Elementary Education Act, 1876, that the managers of a certified day industrial school may, on the request of a local authority (*a*) and of the parent of a child, and on the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child such sum, not less than one shilling a week, as a Secretary of State from time to time fixes, receive such child into the school without an order of the court; it is hereby ordered that the reception of the child by the managers of a school shall be taken to be an undertaking by them to provide him with industrial training, elementary education, and one or more meals a day, but not lodging, for the term agreed upon with the managers, or until the withdrawal or resignation of the certificate of the school takes effect, or until the contribution to the school of money provided by Parliament is discontinued, whichever shall first happen; provided that such undertaking of the managers shall be suspended during any week with respect to which the contribution of the parent has not been paid in advance.

The undertaking of the parent shall specify the religious persuasion to which the child belongs, and may be made in the form set forth in the schedule hereto.

Parliamentary Grant to and Management of School.

Inspector to see that conditions as to parliamentary grant are observed.

21. Whereas it is enacted by the 16th and 17th sections of the Elementary Education Act, 1876, as follows: (*b*)

(*a*) The local education authority: E. E. Act, 1876, sect. 7, p. 228; E. Act, 1902, Sch. IV., Part II., p. 293; Sch. III. (1), p. 291.

(*b*) See the sections, pp. 233—235.

There may be contributed out of moneys provided by Parliament towards the custody, industrial training, elementary education, and meals of children sent by an order of a court other than an attendance order under this Act to a certified day industrial school such sums not exceeding one shilling per head per week, and on such conditions as a Secretary of State from time to time recommends;

* * * * * *

The managers of a certified day industrial school may, upon the request of a local authority (*a*) and of the parent of a child, and upon the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child such sum, not less than one shilling a week, as a Secretary of State from time to time fixes, receive such child into the school under an attendance order or without an order of a court; and there may be contributed out of moneys provided by Parliament in respect of that child such sum not exceeding sixpence a week and on such conditions as a Secretary of State from time to time recommends.

The conditions of a parliamentary contribution to a certified day industrial school, to be recommended by the Secretary of State, shall provide for the examination of the children according to the standards of proficiency for the time being in force for the purposes of a parliamentary grant to public elementary schools; but may vary the amounts of the contributions to be made in respect of such standards respectively.

Any conditions recommended by a Secretary of State for the purposes of contributions to a day industrial school shall be laid before Parliament in the same manner as Minutes of the Education Department relating to the annual parliamentary grant.

It is hereby ordered that it shall be the duty of the inspector of day industrial schools, acting under the directions of the Secretary of State, to ascertain that such conditions have been duly observed.

Inspector to see that certain provisions of Elementary Education Act, 1876, and regulations of Education Department as to certificates and registers are observed.

22. Whereas by the 5th section of the Elementary Education Act, 1876, it is enacted that a person shall not take into his employment (except as therein-after in the said Act mentioned) any child who, being of the age of ten years or upwards, has not obtained such certificate either of his proficiency in reading, writing, and elementary arithmetic, or of previous due attendance at a certified efficient school (which includes a certified day industrial school) as is in that Act in that behalf provided, unless in the circumstances specified in the said section:

(*a*) The local education authority: E. E. Act, 1876, sect. 7, p. 228; E. Act, 1902, Sch. IV., Part II., p. 293; Sch. III. (1), p. 291.

And whereas by the 24th section of the same Act it is enacted as follows:

The certificates of proficiency of a child in reading, writing, and elementary arithmetic, and of the previous due attendance of a child at a certified efficient school for the purposes of this Act, shall be certificates of proficiency and previous due attendance ascertained according to the standards set forth in the first schedule to this Act, and such certificate shall be granted to the child entitled to the same free of cost or charge to such child, or to the parent of such child.

The Education Department (*a*) may from time to time by order make, and when made revoke and vary, regulations with respect to certificates of age for the purposes of this Act and the persons by whom and the form in which certificates of the said proficiency and due attendance are to be granted, and with respect to other matters relating thereto, and with respect to the preservation of registers and other records of such proficiency and attendance, and such regulations shall be observed by the local authority and the managers of certified efficient schools.

All regulations made by the Education Department (*a*) under this section shall be laid before Parliament in the same manner as Minutes of the Education Department (*a*) relating to the annual parliamentary grant.

And whereas the first schedule to the said Act provides that for the purpose of employment the standards shall be the following:

(1.) The standard of proficiency in reading, writing, and elementary arithmetic for the purpose of a certificate under this Act enabling a child to be employed shall be the standard of reading, writing, and elementary arithmetic fixed by standard four of the Code of 1876, or any higher standard.

(2.) The standard of previous due attendance at a certified efficient school for the purpose of a certificate under this Act enabling a child to be employed shall be [*two hundred and fifty attendances*] (*b*) after five years of age in not more than two schools during each year for five years, whether consecutive or not.

(3.) [Repealed by the E. E. Act, 1880].

And whereas by the same schedule it is further provided that attendance for the purpose of the said schedule, where the attendance is at a certified day industrial school, includes such attendance as may be from time to time directed for the purpose by a Secretary of State; and that the Code of 1876 in the said schedule means, in England, the Code of the Minutes of the Education Department made in the year 1876 with respect to the parliamentary grant to public elementary schools in England.

(*a*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1).

(*b*) Words in italics to be read as 350; see p. 243, note (*a*).

It is hereby ordered that it shall be the duty of the inspector of day industrial schools to see that the provisions of the said Act and the regulations of the Education Department (*a*) as to certificates and registers, and other matters relating thereto, be strictly observed in certified day industrial schools.

28 & 29 Vict. c. 118, s. 25.

23. A minister of the religious persuasion which, as the case may be, is specified in the order of detention or attendance order as that to which the child appears to the court making the order to belong, or specified in the undertaking of the parent of a child attending the school without an order of court as that to which the child belongs, may visit the child at the school on such days and at such times as are from time to time fixed by regulations made by the Secretary of State for the purpose of instructing him in religion.

33 & 34 Vict. c. 75, s. 7 (1)

It shall not be required as a condition of any child being admitted into or continuing in a certified day industrial school, whether under an order of detention, attendance order, or otherwise, that he shall attend or abstain from attending any Sunday school or any place of worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere to which observance or instruction his parent objects, or that he shall, if withdrawn by his parent, attend the school on any day exclusively set apart for religious observance by the religious body to which his parent belongs, and the parent may, on any such day, withdraw the child accordingly.

Rules of school to be approved by Secretary of State. 29 & 30 Vict. c. 118, s. 29.

24. The managers of a certified day industrial school may from time to time make rules for the management and discipline of the school, not being inconsistent with the provisions of this Order; but those rules shall not be enforced until they have been approved in writing by the Secretary of State; and rules so approved shall not be altered without the like approval.

A printed copy of rules purporting to be the rules of a school so approved and to be signed by the inspector of day industrial schools shall be evidence of the rules of the school.

Evidence as to reception in school, &c. 29 & 30 Vict. c. 118, s. 30.

25. A certificate purporting to be signed by one of the managers of a certified day industrial school or their secretary, or by the superintendent or other person in charge of the school, to the effect that the child therein named was duly received into and is at the signing thereof liable to detention in the school under an order of detention, or required to attend thereat under an attendance order, or has been duly discharged or removed therefrom, or otherwise disposed of according to law, shall be evidence of the matters therein stated.

School presumed to be certified. 29 & 30 Vict. c. 118, s. 18.

26. The industrial school named in an order of detention or an attendance order shall be presumed to be a certified day industrial school until the contrary is shown.

(*a*) Now the Board of Education: Board of Education Act, 1899, sect. 2 (1), p. 334.

27. An instrument purporting to be an order of detention, or an attendance order, and to be signed by two justices or a magistrate, or purporting to be a copy of such an order and to be certified as such a copy by the clerk to the court by whom the order was made, shall be evidence of the order.

Evidence of order of detention or attendance order. 29 & 30 Vict. c. 118, s. 24.

Offences at School, &c.

28. Where an order of detention has been made ordering a child to be sent to a certified day industrial school, then if whilst such order is in force the child wilfully neglects to attend thereat, or wilfully neglects or wilfully refuses to conform to the rules of the school, he shall be guilty of an offence against this Order, and may at any time before the expiration of his period of detention be apprehended without warrant, and brought before a court of summary jurisdiction, and on summary conviction of such offence shall be liable to be sent to a certified industrial school as if he were a child coming within the provisions of the 14th section of the Industrial Schools Act, 1866, or in the discretion of the court to be so sent in default of the child finding a surety or sureties for his due attendance at school and conformity with the rules thereof for a period of six months. Provided that the court, if it think fit, may without proceeding to conviction dismiss the child with a warning.

Penalty for child under detention order not attending school or not conforming to rules 29 & 30 Vict. c. 118, s. 32.

29. Where an order of detention has been made ordering a child to be sent to a certified day industrial school, then if, whilst such order is in force, any person knowingly induces the child not to attend such school, or knowingly prevents or knowingly assists in preventing him from attending such school, or knowingly conceals the child in order that he may not be sent to such school, he shall be guilty of an offence against this Order, and on conviction thereof before a court of summary jurisdiction, shall be liable to a penalty not exceeding 5*l*.

Penalty for preventing child from attending school in accordance with order of detention. 29 & 30 Vict. c. 118, s. 33.

Discharge, &c., of Children from School.

30. An order of discharge of a child from an order of detention or an attendance order may be made:

(a.) By the Secretary of State; or

(b.) By the same court of summary jurisdiction as that which made the original order upon the application or with the consent, in the case of a child under an order of detention, of the local authority (*a*) or prison authority at whose instance such order of detention was made, and, in the case of a child under an attendance order, of the local authority (*a*).

Discharge by Secretary of State or court of summary jurisdiction.

31. A child under an order of detention or attendance order may by an order of transfer, made by a court of summary jurisdiction, be transferred to another certified day industrial school,

Transfer by court of summary jurisdiction.

(*a*) Now the local education authority: E. E. Act, 1876, sect. 7, p. 228; E. Act, 1902, Sch. IV., Part II., p. 293; Sch. III. (1), p. 291.

the managers whereof are willing to receive him, subject to the following provisions:

(1.) The court making the order of transfer shall be the same court as that which made the original order of detention or attendance order.

(2.) The order of transfer shall not be made, in the case of a child under an order of detention, except on the application of the local authority (*a*) or prison authority or the parent of the child, and in the case of a child under an attendance order, except on the request of the local authority (*a*) *and* the parent.

(3.) The residence of the child shall be either the same as at the date of the original order, or in a place under the jurisdiction of the same guardians.

(4.) The school, in the case of a child under an order of detention, shall, if possible, be a school conducted in accordance with the religious persuasion specified in such order as that to which the child appears to belong; and, in the case of a child under an attendance order, shall be selected by the parent; and in either case shall be within two miles of the residence of the child.

(5.) The order of transfer shall specify the religious persuasion to which such child belongs.

(6.) The order of transfer shall be forwarded to the managers of the school named therein.

Upon the making of an order of transfer the original order, and the undertaking (if any) made by the parent to contribute, shall continue to apply as if for the school named in the original order and undertaking there were substituted the school named in the order of transfer.

The power conferred by this clause of transferring a child under an order of detention shall be in addition to the provision for transfer contained in the 18th clause of this Order.

Withdrawal, &c., of Certificate of School.

Power for Secretary of State to withdraw certificate. 29 & 30 Vict c. 118, s. 44.

32. Whereas it is enacted by the 16th section of the Elementary Education Act, 1876, as follows:

If a Secretary of State is of opinion that, by reason of a change of circumstances or otherwise, a certified day industrial school ceases to be necessary or expedient for the proper training and control of the children of any class of population in the neighbourhood of that school, he may after due notice, withdraw the certificate of the school, and thereupon such school shall cease to be a certified day industrial school.

Provided that the reasons for withdrawing such certificate shall be laid before both Houses of Parliament within one

(*a*) Now the local education authority: E. E. Act, 1876, sect. 7, p. 228; E. Act, 1902, Sch. IV., Part II., p. 293; Sch. III. (1), p. 291.

month after notice of the withdrawal is given, if Parliament be then sitting, or if not, within one month after the then next meeting of Parliament.

It is hereby ordered that such notice shall be under the hand of the Secretary of State, and shall be addressed to and served on the managers of such school, and shall declare that the certificate of the school is withdrawn as from a time specified in the notice, not being less than six months after the date thereof; and at that time the certificate shall be deemed to be withdrawn accordingly, and the school shall thereupon cease to be a certified day industrial school.

Resignation of certificate by managers. 29 & 30 Vict. c. 118, s. 45.

33. The managers or the executors or administrators of a deceased manager (if only one) of a certified day industrial school may give notice in writing to the Secretary of State of their intention to resign the certificate of that school, and at the expiration in the case of managers of six months, and in the case of executors or administrators of one month, from the receipt of that notice by the Secretary of State (unless before that time the notice is withdrawn) the certificate shall be deemed to be resigned accordingly, and the school shall thereupon cease to be a certified day industrial school.

Gazetting and evidence of withdrawal, &c. 29 & 30 Vict. c. 118, s. 46.

34. A notice of the withdrawal or resignation of the certificate of a certified day industrial school shall within one month be inserted by order of the Secretary of State in the London Gazette.

A copy of the Gazette containing such notice shall be conclusive evidence of such withdrawal or resignation.

A certificate shall be presumed to be in force until the withdrawal or resignation thereof is proved.

Cesser of reception of children on notice, &c. 29 & 30 Vict. 118, s. 47.

35. Where notice is given of the withdrawal or resignation of the certificate of a certified day industrial school, no child shall be received into the school under this Order after the receipt by the managers of the school of the notice of withdrawal, or after the date of the notice of resignation, as the case may be, but the obligation of the managers to provide industrial training, elementary education, and one or more meals a day, but not lodging, for the children who may at the time of such receipt or at the date of such notice be attending such school, whether under an order of detention, or under an attendance order, or without an order, shall, except as far as the Secretary of State otherwise directs, be deemed to continue until the withdrawal or resignation of the certificate takes effect, or until the contribution out of money provided by Parliament towards the school is discontinued, whichever shall first happen; provided that in the case of a child attending school under an attendance order, or without an order, such obligation shall be suspended during any week in respect of which the contribution of the parent has not been paid in advance.

Discharge or transfer of

36. Where a school ceases to be a certified day industrial school

children detained, &c. 29 & 30 Vict. c. 118, s. 48.

the children who are under an order of detention or order of attendance at the school shall be discharged by order of the Secretary of State, or transferred in manner aforesaid to some other certified day industrial school by orders of transfer made by a court of summary jurisdiction.

Miscellaneous.

Use of forms in schedule. 29 & 30 Vict. c. 118, s. 52.

37. No summons, notice, or order made for the purpose of carrying into effect the provisions of this Order shall be invalidated for want of form only; and the forms in the schedule to this Order annexed, or forms to the like effect, may be used in the cases to which they refer, with such variations as circumstances require, and when used shall be deemed sufficient.

Provided that any such form shall cease to be available in the event of the Secretary of State making obligatory the use of another form for the same purpose under the 16th section of the Elementary Education Act, 1876, by which the Secretary of State has power from time to time to make, and when made, to revoke and vary, the forms of orders for sending a child to a day industrial school, and the manner in which children are to be sent to such school.

Service of notices on managers. 29 & 30 Vict. c. 118, s. 53.

38. Any notice may be served on the managers of a certified day industrial school by being delivered to any one of them personally, or by being sent by post or otherwise in a letter addressed to them or any of them at the school, or at the usual or last known place of abode of any of the managers, or of their secretary.

Legal proceedings. 36 & 37 Vict. c. 86, s. 23.

39. The Summary Jurisdiction Acts shall apply to all offences, payments, and orders in respect of which jurisdiction is by this Order given to a court of summary jurisdiction, or which are by this Order directed to be prosecuted, enforced, or made in a summary manner or on summary conviction.

The court of summary jurisdiction, when hearing and determining an information or complaint or making an order under this Order, shall be constituted either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

40. In this Order—

Definitions. 39 & 40 Vict. c. 79, s. 48.

The term "child" means a child between the ages of five years and fourteen years:

33 & 34 Vict. c. 75, s. 3.

The term "parent" includes guardian and every person who is liable to maintain or has the actual custody of a child:

33 & 34 Vict. c. 75, s. 3.

The term "borough" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six,

intituled "An Act to provide for the regulation of municipal corporations in England and Wales," and the Acts amending the same:

The term "The Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," inclusive of any Acts amending the same: 35 & 37 Vict. c. 86, s. 27.

The term "court of summary jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate or officer by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts: 35 & 37 Vict. c. 86, s. 27.

The terms "local authority," (*a*) "parish," (*b*) and "school district" (*c*) have the same meaning as in the Elementary Education Act, 1876: 28 & 29 Vict. c. 126.

The term "prison authority" has the same meaning as in the Prisons Act, 1865; provided that for the purposes of this Order the justices of the county of Worcester in quarter sessions assembled shall be deemed to be the prison authority for the county of Worcester at large, and the council of the city of Worcester shall be deemed to be the prison authority for the city of Worcester and county of the same city, anything in the Worcester Prison Act, 1867, or any other Act, notwithstanding. Special provision as to the county and city of Worcester. 37 & 38 Vict. c. 47, s. 5.

41. Nothing in this Order shall be construed to be contrary to any of the provisions of the Elementary Education Act, 1876. Saving clause.

C. L. PEEL.

SCHEDULE.

Order of Detention.

to wit. } Be it remembered, that on the day of , in pursuance of the Elementary Education Act, 1876, and of the Order in Council made thereunder, we, two of Her Majesty's justices of the peace for the said [*county or borough, &c.*] of .

(a.) [having had brought before us *A.B.* of , a child apparently under 14 years of age, and being satisfied that he was

(*a*) Now local education authority; see E. E. Act, 1876, sect. 7, p. 228; E. Act, 1902, Sch. III. (10), p. 292.

(*b*) Sect. 49 of E. E. Act, 1876, which defined "parish," is now repealed: E. Act, 1902, Sch. IV., Part II., p. 294.

(*c*) References to school districts to be construed as references to local education authority areas: E. Act, 1902, Sch. III. (1) (10).

found begging or receiving alms (whether actually or under the pretext of selling or offering for sale anything), or being in a street or public place for the purpose of so begging or receiving alms].

(b.) [having had brought before us *A.B.* of , a child apparently under 14 years of age, and being satisfied that he frequents the company of reputed thieves].

(c.) [having had brought before us *A.B.* of , a child apparently under 12 years of age, charged with the offence of and being satisfied that he has not been previously convicted in England or Ireland of felony, or in Scotland of theft].

(d.) [having had brought before us *A.B.* of , a child apparently under 14 years of age, and having had a representation made us by his parent *C.D.* that he is unable to control the said *A.B.* and is desirous that the said *A.B.* be sent to a certified day industrial school].

(e.) [having had brought before us *A.B.* of , a child apparently under 14 years of age, upon the charge of having, without reasonable excuse, failed to comply with an order of the day of , requiring him to attend School, and being satisfied that such charge was proved, and that *C.D.* the parent of the said *A.B.* had used all reasonable efforts to enforce compliance with such order].

(f.) [having had brought before us *A.B.* of , a child apparently under 14 years of age, upon the charge of having, without reasonable excuse, failed to comply with an order of the day of requiring him to attend School, and being satisfied that such charge was proved, and that such non-compliance was subsequent to a complaint for the like non-compliance of the said *A.B.* made by the local authority to a court of summary jurisdiction].

Do order that the said *A.B.* (whose religious persuasion appears to us to be) be sent to the certified day industrial school at , and be there detained for the term of , during such hours as may be authorised by the rules of the school approved by one of Her Majesty's Principal Secretaries of State.

And we do also order *C.D.* the parent of the said *A.B.* , and liable to maintain him, to contribute to his industrial training, elementary education, and meals in the school the sum of per week. (Signed)

Attendance Order.

to wit. } Be it remembered, that on the day of , in pursuance of the 11th section of the Elementary Education Act, 1876, and of the Order in Council made thereunder, we, two of Her Majesty's justices of the peace for the said (*county or borough*) of ,

Do order that *A.B.* of , a child apparently under 14

years of age (whose religious persuasion appears to us to be), do attend the certified day industrial school at for the term of , during such hours as may be authorised by the rules of the school approved by one of Her Majesty's Principal Secretaries of State. (Signed)

Undertaking of Parent in the case of an Attendance Order.

Whereas a complaint has been made under the 11th section of the Elementary Education Act, 1876, against *A.B.* of , a child under the age of 14 years, with a view to an order being made requiring him to attend a certified efficient school, and whereas I, *C.D.* , am the parent of the said *A.B.* , and have selected the certified day industrial school at as the school to which the said *A.B.* should be sent under such attendance order, I hereby undertake that upon such attendance order being made I will pay to the managers of the said school towards the industrial training, elementary education, and meals of the said *A.B.* in the said school the sum of per week so long as such attendance order is in force.

Dated
day of 18 . (Signed)

Undertaking of Parent in the case of a Child about to attend a School without any Order of Court.

I, *C.D.* of , being the parent of *A.B.* , a child under 14 years of age, and of the religious persuasion of , hereby undertake to pay to the managers of the certified day industrial school at towards the industrial training, elementary education, and meals of the said *A.B.* in the said school the sum of per week for the term of , and for such further term as may be agreed upon between myself and the said managers and the local authority (*a*) under the Elementary Education Act, 1876.

Dated
day of 18 . (Signed)

Order of Transfer.

) Be it remembered, that on the day of , in
to wit.) pursuance of the Elementary Education Act, 1876, and of the Order in Council made thereunder, we, two of Her Majesty's justices of the peace, for the said [*county or borough*] of , do order that *A.B.* of (whose religious persuasion appears to be) be transferred from the certified day industrial school at to which he was sent under an order of detention [*or* attendance order] of the day of to the certified day industrial school at . (Signed)

(*a*) Local education authority : E. E. Act, 1876, sect. 7, p. 228 ; E. Act, 1902, Sch. IV., Part II., p. 293 ; Sch. III. (1), p. 291.

ORDER IN COUNCIL, 25TH OCTOBER, 1881.

At the Court at Balmoral, the 25th day of October, 1881.

PRESENT:

The Queen's Most Excellent Majesty in Council.

In pursuance of the powers contained in the 16th section of the Elementary Education Act, 1876, Her Majesty is pleased, by and with the advice of her Most Honourable Privy Council, to order that the following provisions of the Industrial Schools Act, 1866, and the Acts amending the same, shall apply to certified day industrial schools.

Where a child is sent to a certified day industrial school in pursuance of an order of detention under the Elementary Education Act, 1876, upon the complaint or representation of the local authority under that Act, the managers of such school may, if they think fit, with the consent of such local authority, at any time after the expiration of one month after the child is so sent, give him a licence exempting him from attendance at such school, but conditionally on the child attending as a day scholar, in such regular manner as is mentioned in the licence, at some school willing to receive him and named in the licence, and being a public elementary school, or if no such school is in the opinion of the local authority available some other certified efficient school.

Any licence so granted shall not be in force for more than three months, but may at any time before the expiration of those three months be renewed for a further period not exceeding three months, to commence from the expiration of the previous period of three months, and so from time to time until the period of the child's detention is expired.

Any such licence may also be revoked at any time by the managers of the school by writing under their hands, and thereupon the child to whom the licence related may be required by them, by writing under their hands, to return to the school.

The time during which a child is absent from a certified day industrial school in pursuance of a licence shall, except where such licence has been forfeited by his misconduct, be deemed to be part of the time of his detention in the school, and at the expiration of the time allowed by the licence he shall be taken back to the school.

A child refusing to return to the school on the revocation of his licence, or on the expiration of the time allowed thereby, shall be deemed to have escaped from the school.

C. L. PEEL.

MODEL GENERAL RULES FOR THE MANAGEMENT AND DISCIPLINE OF CERTIFIED TRUANT INDUSTRIAL SCHOOLS(*a*) FOR THE DETENTION OF CHILDREN,

UNDER THE PROVISIONS OF THE STATUTES 29 & 30 VICT. CAP. 118, AND 39 & 40 VICT. CAP. 79.

[*N.B.*—These Rules are not in themselves operative; they are Model Rules for the guidance of Managers in the preparation of a Code of Rules for their Schools, which they should submit to the Secretary of State for his approval.]

ESTABLISHMENT OF A CERTIFIED TRUANT INDUSTRIAL SCHOOL.

Application should be made in the first instance to the Secretary of State for the Home Department stating the grounds for the application, naming the site of the proposed school, the amount of accommodation required, and supplying all requisite information bearing on the subject.

Before a certificate can be issued, legalising the school as a place of detention for truant children under the Industrial Schools Act and Elementary Education Act, the site, the plans for the buildings, and the rules for the management of the school must be previously approved by the Secretary of State(*b*).

Every school must be carried on by a responsible committee.

The rules should embody the following:—

1. Name and situation of school.

The school situated at in the county of shall be called

2. Governing body.

The governing body shall consist of(*c*) and the mode of election of members shall be

3. Conditions of admission.

Children may be admitted on the following conditions:(*d*)

4. Number of inmates.

The total number of inmates received in the school, whether cases committed under Act or voluntary cases, shall consist of

5. Lodging and clothing.

The inmates shall have separate beds, and shall be supplied with a sufficiency of plain, useful clothing.

6. Dietary.

The inmates shall be supplied with plain, wholesome food, according to a dietary to be drawn up by the medical officer of the school and approved by the inspector; no substantial alterations in the dietary shall be made without previous notice to the inspector. A copy of the dietary shall be hung in the dining-room; it shall be carefully adhered to, and all deviations from it reported to the medical officer.

7. Instruction.

The secular instruction shall consist of reading, spelling, writing,

(*a*) For list of such schools see p. 562.

(*b*) See instructions at p. 541.

(*c*) It is not necessary to specify the names of individuals if a general description of the governing body can be given.

(*d*) It will be convenient if the recital of the Act under which children may be admitted is specified.

and arithmetic, and, as far as practicable, the elements of history, geography, and vocal music. It shall be given for at least three hours daily. The industrial training shall be, for boys, in farm and garden work, in technical instruction in the use of tools and wood work, or such handicrafts as can be conveniently practised. The industrial employment of the inmates shall not, as a general rule, exceed five nor fall short of four hours daily.

8. Religious exercises and worship.

Each day shall be begun and ended with simple family worship, consisting of prayer and praise to God, and the reading of Scripture. The instruction in religion shall be governed by the following rule:—

The ordinary instruction in religion and religious observances shall consist of prayers and hymns and reading from the Bible, with such explanations and instructions in the principles of religion and morality as are suited to the capacity of children; and in the selection of such prayers and hymns, and in explanations and instructions from the Bible, no attempt shall be made to attach children to, or to detach them from, any particular denomination.

No child shall be required to attend any instruction in religion or religious observance, or be taught the Catechism or tenets of any religion to which his parents or guardians object, or other than that to which he is stated in the order of detention to belong. With regard to children who are specified in the order of detention as belonging to any particular religious persuasion the managers shall, so far as practicable, make arrangements that such children shall, during the times set apart for instruction in religion, attend religious instruction or observances conducted by ministers of such persuasions, or by such responsible teachers of the school or other persons as are delegated by such ministers with the approval of the managers.

While any instruction in religion or religious observance is going on, none of the scholars or teachers shall be employed in any other manner in the same room.

On Sunday the inmates shall, if possible, attend public worship at some convenient church or chapel, provided that no boy shall be taken to any church or chapel to which his parents or guardians object on the ground that its religious services are not in accordance with the religious persuasion of the child, or with that religious persuasion to which he is stated in the order of detention to belong.

9. Time-table.

A time-table showing the hours of rising, work, school instruction, meals, recreation, retiring, &c., &c., shall be drawn up, be submitted to and approved by the inspector of industrial schools, and shall be fixed in the school-room, and carefully adhered to on all occasions. All deviations from it shall be recorded.

The maximum periods for which children may be detained are as follows:— 10. Discipline.

In the first instance for three months.

In the second instance for four months.

In the third instance for six months.

If necessary again to re-admit a boy for a further period of detention, in no case shall the period exceed six months.

But if the detention of any child exceeds in the first instance two months, and in the second and third three and four months, the case shall be specially reported to the inspector at the end of the quarter, with an explanation.

No boy shall be detained after 14 years of age.

Any boy shall be liable to punishment in case of misconduct or breach of rule. All faults and punishments whatever shall be carefully recorded, and entered in a book kept for that purpose. This book shall be laid before the committee of managers at their meetings, and shall be open to the inspector when called for by him. The discipline of the school shall be maintained, not only by punishment, but by a well-considered system of encouragements. Such system to form part of the supplementary rules to be made by the managers, and to be approved by the Secretary of State. All rules immediately affecting the inmates shall be fully made known to them, and be placed in a conspicuous place in the school-room or elsewhere for this object.

No other punishments than the following are allowed:— 11. Punishments.

(a.) Forfeiture of privileges, or degradation from rank, previously attained by good conduct.

(b.) Reduction in quantity or change of character of food.

(c.) Confinement in a light room, or light cell.

(d.) Moderate personal correction and chastisement.

Referring to (a.), (b.), and (c.). No punishment under any of these heads may be given except by the superintendent.

Referring to (a.). The supplementary rules shall state clearly what offences constitute a breach of law, with the accompanying penalties.

The regulations as to degradation shall also be inserted in the supplementary rules.

Referring to (b.). For simple offences the boy may be deprived of one regular meal or of that portion of the meal which renders it most agreeable, but shall be allowed eight ounces of bread, with water or gruel, when deprived of any regular meal. No boy shall be deprived of *two* meals in succession.

Referring to (c.). No boy shall be confined under any pretext whatever for a longer period than 48 hours, and never after dark. Offences requiring graver penalties shall be dealt with by the magistrates of the district in which the school is situated. No boy shall be kept in solitary confinement in darkness under

any pretence whatever. In confinement each offender shall be allowed one pound of bread, with gruel or milk, and water daily.

The use of the cell on admission as a method of discipline is entirely prohibited.

Referring to (d.) the following regulations shall apply:—

(i.) For very serious offences the punishment of whipping may be inflicted on the posterior with a birch rod, such punishment not to exceed six strokes, to be applied once for all, for the same offence, and to be inflicted only by the superintendent himself, or in his presence by an officer specially authorised by him.

(ii.) For less serious offences personal punishment may be inflicted with a tawse, to be applied to the palm of the hand, and shall not exceed four strokes. Punishment on admission or re-admission is prohibited.

12. Recreation. The inmates shall, as a rule, be allowed two hours daily for recreation and exercise (one hour being absolutely devoted to recreation). They may be taken out for exercise from time to time beyond the boundaries of the school.

13. Privileges of friends. The parents and near relatives of the inmates shall be allowed to correspond with them at reasonable times, and to visit them once a month, but, except in special cases where the express permission of the managers has been obtained, parents will not be allowed to visit their children if any members of the family or other persons in the house in which the parents reside are suffering from infectious disease. The privilege may also be forfeited by misconduct or interference with the discipline of the school. In the case of the serious illness of any inmate, or of his removal from the school by licence or legal discharge, notice shall be sent to the parents.

14. Medical officer. A medical officer shall be appointed to visit the school periodically. He shall enter his visits in a book kept for that purpose, with a note of all serious cases of illness attended by him in the school, their course, duration, and the treatment prescribed. He shall also give a quarterly report as to the sanitary condition of the school and the health of the inmates. Application should be made to the Secretary of State for the discharge of any inmate certified as medically unfit for detention.

15. Inquests. In the case of the sudden or violent death of any inmate of the school immediate notice shall be sent to the coroner of the district in which the school is situated, and the circumstances of the case at once reported to the inspector.

16. Visitors. The school shall be open to the inspection of visitors at convenient times, to be regulated by the managers.

17. Journal. The superintendent shall keep a journal of all that passes in the school. All admissions, licences, discharges, and every event of importance connected with the school shall be recorded in it. The

journal shall be laid before the managers at their meetings, and be open to the inspector when called for.

18. Register, returns, &c. The superintendent shall keep a register of admissions, with particulars of the parentage, previous circumstances, &c., of each of the inmates.

He shall also keep a licence and discharge book, showing the date of licence, discharge, and disposal of each individual, and shall keep a record of the attendance of the children at the Elementary School when absent on licence.

He shall also regularly send to the office of the inspector the required return of admission, and the monthly return of admissions, discharges, licences, &c.; also quarterly list of cases under detention, and quarterly accounts for maintenance, and in the month of January in each year a full statement of the receipts and expenditure of the school for the past year, showing all debts and liabilities duly vouched by the managers, and such other information as may be desired by the Secretary of State from time to time.

19. Inspector. The inmates shall be examined and their proficiency in school instruction and industrial training tested from time to time, and at least once a year, by the inspector. All books and journals of the school shall be open to the inspector for examination Any teacher employed for the instruction of the inmates shall be examined by him if he think it necessary. Immediate notice shall be given to him of the appointment, death, resignation, or dismissal of the superintendent and of the school teacher.

20. General regulations. The officers and teachers of the school shall be careful to maintain the discipline and order of the school, and to attend to the instruction and training of the inmates in conformity with the above rules. Every inmate under detention in the school shall be required to obey the officers and teachers of the school, and to comply with the rules in force; and any wilful neglect or refusal to obey or comply on the part of any such inmate may be deemed to be an offence under the 32nd section of the Industrial Schools Act, 1866; absconding or inducing to abscond an offence under the 33rd and 34th section of the said Act respectively.

Whitehall,
13th July, 1897.

SUPPLEMENTARY RULES OF THE MANAGERS FOR THE REGULATION OF THE SCHOOL.

The supplementary rules should prescribe—
Hours of work, meals, instructions, &c.
Rules as to correspondence with parents and relatives.
Privileges, penalties, and forfeitures.
Special duties and obligations.

MEMORANDUM.—Under the provisions of the Industrial Schools Act (§ 29) the managers of any industrial school are authorised to make such rules as are necessary for the regulation of the school; *but such rules cannot be enforced unless sanctioned by the Secretary of State.* Such supplementary rules, therefore, as are required should be appended to the foregoing general rules, and submitted with them for the approval of the Secretary of State.

NOTE 1.

Under the regulations now in force the allowance from the Treasury for the maintenance and training of children in truant industrial schools is that for children whose cases fall under section 11 (1) of the Elementary Education Act, 1876, viz., 2*s.* per head per week, no grant being allowed for children under six years of age. This allowance must be supplemented by a grant in aid from the county, borough, or school board authority committing cases to the schools.

NOTE 2.

The conditions to be observed for the establishment of a truant certified industrial school are—

That the site and position of the school shall be such as to allow of a sufficient amount of ground being attached to it for the exercise and recreation of the inmates, and to ensure free ventilation and good drainage in the internal space;

That in the dormitories the allowance for each inmate shall not be less than 36 square and 360 cubic feet of space; in the school and day rooms not less than 10 square and 100 cubic feet;

That the number of inmates in the same institution shall not exceed 150, except under special circumstances, and with the special sanction of the Secretary of State thereto;

That the plans of the buildings or premises of the proposed school be submitted to and approved by the Secretary of State, such plans to show the area, height, and connection of the rooms, the external offices and conveniences attached to the building, and all necessary details as to the drainage, ventilation, and arrangement of the offices.

NOTE 3.

The returns and accounts required (rule 14) are—

Form A. Notice of each admission to the school.

Form B. Monthly return of admissions, re-admissions, licences, deaths, discharges, desertions, &c., for the preceding month.

Form C. Quarterly return of all inmates chargeable for maintenance during the previous quarter.

Quarterly account of the sums due for the maintenance of the children under detention during the quarter.
Quarterly report of the sanitary state of the school and health of inmates.
Quarterly return of offences and punishments.

NOTE 4.

In case of the managers of any industrial school desiring to resign their certificate, the Industrial Schools Act requires that six months' previous notice of such resignation be given to the Secretary of State (§ XLV.).

NOTE 5.

By § 11 of the Industrial Schools Act it is provided, "That no substantial addition or alteration must be made to the buildings of any certified industrial school without the approval of the Secretary of State."

NOTE 6.

All communications for the inspector's office should be addressed:

To the Inspector of
Reformatory and Industrial Schools,
Great Scotland Yard,
London, S.W.

N.B.—The postage on letters, returns, &c., thus addressed *need not be prepaid.*

INSTRUCTIONS FOR ERECTION OF TRUANT INDUSTRIAL SCHOOLS.

In a truant industrial school, boys are kept under control, discipline, teaching and industrial training, for a period of about three months. In so short a time instruction can only be attempted in certain trades and industries, such as tailoring, stocking-knitting, darning, mending, boot-making, wood-chopping, mat-making, &c., or in gardening.

Site.—The site should be open, airy, and sunny, free from surrounding impurities, and thoroughly land drained. The building should have its ground floor level not less than 15 inches above the ground, the space between being ventilated by air-bricks. The whole area of ground within the building should be covered with a layer of concrete not less than 9 inches thick, all vegetable or refuse soil having first been removed.

Drains.—Cesspools and privies should only be used where unavoidable. Earth or ash-closets, of an approved type, may be employed in rural districts, but drains for the disposal of slop and surface water are still necessary

Soil drains must always be laid outside the building (on a hard, even bottom and concrete) in straight lines, with glazed stoneware pipes, carefully jointed in cement and made absolutely watertight. A diameter of 4 inches is sufficient, unless for drains receiving the discharge of more than 10 closets. Above this number the diameter should be 6 inches. The fall should never be less than one in 30 for 4-inch, and one in 40 for 6-inch drains. An inspection opening, or manhole, should be provided at each change of direction so as to facilitate cleansing the drain without opening the ground. Every soil drain must be disconnected from the main sewer by a properly constructed trap, placed on the line of drain between the latrines and the public sewer. This trap must be thoroughly ventilated by at least two untrapped openings, one being the 4-inch soil pipe carried up full size above the roof, and the other an inlet pipe connected with the side of the trap furthest from the public sewer. Automatic flushing tanks are desirable where trough closets are used.

Urinals must in all cases have a sufficient supply of water for flushing.

Buildings.—A building for 100 boys needs the following accommodation, arranged with careful attention to convenience and economy in daily working, and with the strictest attention to all points affecting health, viz.:—

1. A principal entrance, waiting-room, board room, office, lavatory, and W.C.
2. A separate entrance for boys, with reception-room, disinfecting closet for clothes, and storage for these till the boys leave. All these should be near the lavatory and baths.
3. A schoolroom containing not less than 10 square feet and 120 cubic feet per child, lighted from two sides, and available for 50 or more at one time. A schoolmaster's room, small book store, and W.C.
4. An officer's mess room, contiguous to the kitchen, and apart from the schoolmaster's rooms, W.C.'s.
5. A dining room to seat 100, at tables placed at right angles with the light, and available for use as an assembly hall and chapel.
6. A kitchen, servants' hall, serving-room, scullery, large store-room for dry stores, boot-cleaning room, clothes'-brushing room, pantry, bread room built and finished in cement, and larder. W.C.'s for female servants.
7. A large double lavatory arranged over a water channel where boys can wash at taps in batches of 25 at one time. Two baths available for six boys at one time, and one for 12. The lavatory and baths, and the boiler connected therewith, are under the charge of a labour-master.
8. Governor's quarters, self-contained and forming a house in

communication with the main building, having two sitting-rooms (on ground floor), kitchen, scullery, and pantry, three bedrooms, with bath and W.C.

9. Dormitories containing per bed, *at the very least*, 36 superficial feet and 360 cubic feet, under supervision at night, by means of a small window in the master's bedroom commanding every bed. The size of a dormitory not to exceed space for 35 beds. The boys to sleep in single beds arranged down each side, and with a window (extending nearly to the ceiling) between every two beds. No dormitory having windows on one side only can be regarded as satisfactory. Nor any dormitory open to the apex of the roof. A wardrobe, sub-divided, for the clothes of each.
10. Schoolmaster's and labour-masters' bedrooms, placed between dormitories, and provided with supervision windows. W.C.'s.
11. Matron's sitting-room and bedroom. Several storerooms.
12. Bedrooms for female servants. W.C.'s.
13. Linen-rooms and blanket-rooms, with hot pipes passing through.
14. Housemaids' closets, with hot and cold water. Space for brooms and pails at convenient places on the upper floors.
15. W.C.'s near staircase for boys' use at night. These should be disconnected from the house by an intervening lobby having windows on opposite sides.
16. A large tailor's shop (outside, under a tailor). At least one other shop of similar size.
17. A large room on the ground floor for sewing and mending (inside, under the matron, but with a door into the drill shed).
18. A wash-house, drying-room, and laundry separate from the main building.
19. An ample, square drill-ground, entirely open to supervision, with a portion covered, but open along one side.
20. Boys' latrines (about one to every 12 boys) and urinals, out of doors, arranged in one straight line, and separated from the drill-ground only by a light perforated iron screen about 5 feet high.
21. A sickroom for ordinary ailments (with sunny aspect). Nurse's room, bath, and W.C.
22. Isolated sickroom for infectious or contagious cases (also with a sunny aspect). Nurse's room, bath and W.C.
23. Coalhouse.
24. Fuelhouse.

The whole building, dormitories, corridors, and staircases must be well lighted in every part, warmed, and ventilated.

The landings, corridors and staircases must be fire-*proof*.

At least two good main staircases (without winders) are needed. These should, if possible, be placed and lighted towards the south for warmth and ventilation. Also fire escapes for emergencies.

The roof water should all be collected and stored for use.

Speaking tubes are desirable from the governor's bedroom to those of the masters, and, of necessity, to the sickrooms.

Waste-pipes from sinks or lavatories should be first trapped inside, and then made to discharge direct through the wall over a trapped gulley.

ORDER OF THE LOCAL GOVERNMENT BOARD, DATED JANUARY 31, 1901, UNDER THE ELEMENTARY EDUCATION ACT, 1900, MAKING REGULATIONS AS TO THE AUDIT OF ACCOUNTS OF JOINT BODIES OF MANAGERS OF JOINT INDUSTRIAL SCHOOLS.

42,193.

General order: regulations as to audit of accounts.

Elementary Education Act, 1900.

Joint bodies of managers of joint industrial schools.

To the joint bodies of managers of the several joint industrial schools within the meaning of the Elementary Education Act, 1900;

To the district auditors for the time being authorised to audit the accounts of the said joint bodies of managers;

And to all others whom it may concern.

Whereas by section 5 of the Elementary Education Act, 1900, it is enacted as follows:—

"5. Where two or more school boards combine for the establishment of a joint industrial school under a joint body of managers, the enactments relating to the audit of school board accounts shall apply as if the joint body of managers were a school board."

And whereas by section 5 of the District Auditors Act, 1879, it is enacted as follows:—

"5. Where any accounts of the receipts and expenditure of a local authority are subject by law to be audited by a district auditor, the Local Government Board may from time to time by order make, and when made revoke and vary, such regulations as seem to the Board necessary or proper respecting the audit of such accounts, including the form of keeping the accounts of the local authority and their officers, the day or days to which the accounts are to be made up, the time within which they are to be examined

by the local authority, the mode in which, if it is so prescribed, they are to be certified by the local authority or any officer of that authority, the mode of publishing the time and place of holding the audit, the persons by whom such accounts are to be produced for audit, and the mode of conducting the audit, and an order under this section shall be deemed to be an order within the meaning of section ninety-eight of the Poor Law Amendment Act, 1834."

And whereas joint bodies of managers of joint industrial schools within the meaning of the Elementary Education Act, 1900, are local authorities within the terms of section 5 of the District Auditors Act, 1879:

Now, therefore, we, the Local Government Board, in pursuance of the powers given to us by the statutes in that behalf, hereby order as follows with respect to each such joint body of managers (herein-after referred to as "the managers") except in so far as we may from time to time assent to a departure from such regulations:

The accounts of the managers shall be made up and balanced to the twenty-fifth day of March and the twenty-ninth day of September in every year; and shall be audited half-yearly, that is to say, as soon as practicable after the twenty-fifth day of March and the twenty-ninth day of September in every year.

Given under the seal of office of the Local Government Board, this thirty-first day of January, in the year one thousand nine hundred and one.

(L.S.) WALTER H. LONG,
President.

S. B. PROVIS,
Secretary.

ORDER OF THE LOCAL GOVERNMENT BOARD, DATED SEPTEMBER 11, 1901, UNDER THE ELEMENTARY EDUCATION ACT, 1900, MAKING REGULATIONS AS TO THE AUDIT OF ACCOUNTS OF JOINT BODIES OF MANAGERS OF JOINT INDUSTRIAL SCHOOLS.

42,194.

Financial Statement (Statutory):

The District Auditors Act, 1879, and the Elementary Education Act, 1900.

Joint bodies of managers of joint industrial schools.

To the joint bodies of managers of the several joint industrial

schools within the meaning of the Elementary Education Act, 1900;—

To the district auditors for the time being authorised to audit the accounts of the said joint bodies of managers;—

And to all others whom it may concern.

Whereas by section 5 of the Elementary Education Act, 1900, it is enacted as follows:—

"Where two or more school boards combine for the establishment of a joint industrial school under a joint body of managers, the enactments relating to the audit of school board accounts shall apply as if the joint body of managers were a school board."

And whereas by section 3 of the District Auditors Act, 1879, it is enacted as follows:—

"Where the accounts of the receipts and expenditure of a local authority are audited by a district auditor, the local authority shall prepare and submit to the district auditor at every audit (other than an extraordinary audit held in pursuance of section six of the Poor Law Amendment Act, 1866), a financial statement in duplicate in the prescribed form and containing the prescribed particulars; one of such duplicates shall have the stamp charged under this Act affixed thereon, and the auditor at the conclusion of the audit shall cancel that stamp, and certify on each duplicate, in the prescribed form, the amount in words at length of the expenditure so audited and allowed, and further, that the regulations with respect to such statement have been duly complied with, and that he has ascertained by the audit the correctness of the statement."

And whereas joint bodies of managers of joint industrial schools within the meaning of the Elementary Education Act, 1900, are local authorities within the terms of section 3 of the District Auditors Act, 1879:

Now, therefore, we, the Local Government Board, in pursuance of the powers given to us by the statutes in that behalf, hereby order and prescribe as follows with respect to each such joint body of managers (herein-after referred to as "the managers"):—

The financial statement to be prepared and submitted to the district auditor in duplicate by the managers as a local authority at every audit of the accounts of the managers, in accordance with the provisions of section 3 of the District Auditors Act, 1879, shall, until we shall otherwise prescribe, be in the form in the schedule to this Order, and shall contain the particulars therein specified or referred to, and the certificate of the district auditor to be appended to each such duplicate shall be in the form set forth at the foot of the said statement; except so far as we may assent to a departure from either of such forms.

SCHEDULE.

JOINT INDUSTRIAL SCHOOL

appointed by the

SCHOOL BOARDS.

FINANCIAL STATEMENT.

THE DISTRICT AUDITORS ACT, 1879 (42 Vict. c. 6),

and

THE ELEMENTARY EDUCATION ACT, 1900 (63 & 64 Vict. c. 53).

STATEMENT of RECEIPTS and EXPENDITURE by the Managers of the above-named Joint Industrial School for the Half-Year ended the day of , 19 .

Name of clerk (or other person keeping the accounts)

Office address

(including post town).

RECEIPTS AND EXPENDITURE BY THE MANAGERS OF
Half-Year ended the day
PART

RECEIPTS OTHER THAN FROM BORROWED MONEYS.

	£ s. d.	£ s. d.	£ s. d.
Balance brought forward from financial statement for the half-year ended 19			
From the constituent authorities in pursuance of precepts, viz.: —			
From the School Board			
" "			
" "			
" "			
" "			
" "			
Parliamentary grants			
Less amounts deducted under the Elementary School Teachers (Superannuation) Act, 1898 . . .			
Contributions from local authorities towards maintenance of children			
Contributions from parents			
Other receipts, specifying them:—(a)			
Total receipts other than from borrowed moneys (excluding balance) . . . . . £			
Total . . . . . £			

(a) Small items of receipts under this heading may be classed as "miscellaneous."

JOINT INDUSTRIAL SCHOOL FOR THE

of , 19 .

I.

EXPENDITURE OTHER THAN DEFRAYED OUT OF BORROWED MONEYS.

	£ s. d.	£ s. d.	£ s. d.
In purchase of Land and erection, enlargement, or alteration of School building when not defrayed out of borrowed moneys			
Furnishing of School Buildings . . .			
Expenses of Administration :—			
Salaries of Officers of Managers . .			
Other Expenses of Administration . .			
Expenses of Maintenance :—			
Cost of Maintenance of Children . .			
Salaries and Remuneration of Teachers and Officers engaged in discipline	£ s. d.		
Less amounts deducted under the Elementary School Teachers (Superannuation) Act, 1898			
Wages of Servants and Washing . .			
Books and Stationery			
Apparatus and Furniture . . .			
Rations of Teachers, Officers and Servants			
Fuel, Light, and Cleaning . . .			
Repairs to Buildings			
Rents, Rates, Taxes, and Insurance .			
Other Expenses of Maintenance . .			
Other Payments, namely :—(a)			
Total payments other than out of borrowed moneys £			
Balances at the end of the half-year :—	£ s. d.	£ s. d.	
In hands of Treasurer			
,, ...			
,, ...			
Less :			
Net Balance . . £			
Total payments other than out of borrowed moneys and balances . . . . . £			

(a) Small items of expenditure under this heading may be classed as "miscellaneous."

RECEIPTS FROM AND

PART

RECEIPTS FROM BORROWED MONEYS.		
	£ s. d.	£ s. d.
Balance brought forward from Financial Statement for the half-year ended , 19		
Receipts from moneys borrowed by constituent School Boards, viz.:—		
Total Receipts from Borrowed Moneys (excluding Balance) . . . . . £		
Total . . £		

PAYMENTS OUT OF BORROWED MONEYS.

II.

EXPENDITURE DEFRAYED OUT OF BORROWED MONEYS.			
In respect of:—			£ s. d.
Total Expenditure defrayed out of Borrowed Moneys . . . . . £			
Balances at the end of the half-year:—	£ s. d.	£ s. d.	
In hands of Treasurer . .			
,, . .			
,, . .			
Less:			
Net Balance . . £			
Total Expenditure defrayed out of borrowed moneys and balance . . . . . £			

PART III.

SUMMARY OF THE RECEIPTS AND EXPENDITURE SHOWN IN THE FOREGOING STATEMENT.

	£ s. d.
Receipts :—	
Other than from borrowed moneys	
From borrowed moneys	
Total receipts . . . . £	
Expenditure :—	
Other than out of borrowed moneys	
Out of borrowed moneys	
Total expenditure . . . £	
Net expenditure on which stamp duty is payable £	

Clerk to the Managers of the Joint Industrial School.

day of , 19 .

	£ s. d.
Total expenditure as shown above . .	
Less amount disallowed at audit .	
Amount allowed at audit . . £	

I hereby certify that I have compared the entries in this financial statement with the vouchers and other documents relating thereto, and that the regulations with respect to such statement have been duly complied with.

I hereby further certify that I have ascertained by audit the correctness of such statement, and that the amount expended by the managers of the joint industrial school during the half-year ended the day of , 19 , included in such statement, and allowed by me at the audit, is (*a*)

As witness my hand this day of , 19 .

Stamp (*b*).

District Auditor.

Given under the seal of office of the Local Government Board, this eleventh day of September, in the year one thousand nine hundred and one.

(L.S.) WALTER H. LONG, President.

H. C. MONRO, Assistant Secretary.

(*a*) The amount to be inserted in words at length.

(*b*) The name of the joint industrial school and the date of cancellation are to be written across the stamp.

A LIST OF (*a*) REFORMATORY SCHOOLS, (*b*) INDUSTRIAL AND TRUANT SCHOOLS, AND (*c*) DAY INDUSTRIAL SCHOOLS WHICH HAVE BEEN CERTIFIED AND SANCTIONED BY THE SECRETARY OF STATE FOR THE HOME DEPARTMENT UNDER THE PROVISIONS OF THE REFORMATORY AND INDUSTRIAL SCHOOLS ACTS AND THE ACT RELATING TO THE SAME.

(*a*) REFORMATORY SCHOOLS.

England.

County.	Name and Situation.	Date of Certificate.	Statute under which Certified.
Bedford	Bedfordshire Reformatory for Boys, Carlton, Sharnbrook, S.O., Bedfordshire.	April 9, 1857 and April 14, 1902	17 & 18 Vic c. 86.
Chester	Bradwall Reformatory for Boys, Sandbach.	Dec. 27, 1855	,,
Devon	Devon and Exeter Reformatory Farm School for Boys, Whipton, Exeter.	April 17, 1855 and Sept. 14, 1900	,,
,,	Devon and Exeter Reformatory for Girls, Polsloe Road, Exeter.	June 26, 1858	,,
Durham	Sunderland Reformatory for Girls, 6, Tatham Street, Sunderland.	June 22, 1860	,,
Essex	"Cornwall," Thames Reformatory School Ship for Boys, off Purfleet.	May 2, 1859	,,
	St. Edward's Reformatory for Roman Catholic Boys, Boleyn Castle, Plaistow, E.	Oct. 28, 1870	29 & 30 Vict c. 117.
Glamorgan	Glamorganshire Reformatory for Boys, Ty Segur, Neath.	Mar. 12, 1875	17 & 18 Vict c. 86.
Gloucester	Hardwicke Reformatory for Boys, near Gloucester.	Oct. 4, 1854	,,
,,	Kingswood Reformatory for Boys, near Bristol.	Oct. 4, 1854	,,
,,	Red Lodge Reformatory for Girls, Bristol.	Dec. 9, 1854	,,
,,	Arno's Court Reformatory for Roman Catholic Girls, near Bristol.	April 22, 1856	,,
Hants.	Hampshire Reformatory for Boys, Eling, Southampton.	Nov. 29, 1855	,,
Herts.	Herts. Reformatory for Boys, Chapmore End, Ware.	Nov. 10, 1857 and Feb. 1, 1901	,,

County.	Name and Situation.	Date of Certificate.	Statute under which Certified.
Lancaster .	"Akbar," Reformatory School Ship for Boys, Rock Ferry, Liverpool.	Jan. 3, 1856	17 & 18 Vict. c. 86.
,, .	Liverpool Reformatory Farm School for Boys, Newton-le-Willows.	April 6, 1859	,,
,, .	Liverpool Reformatory for Girls, 6, Mount Vernon Green, Liverpool.	June 12, 1857	,,
,, .	Toxteth Park Reformatory for Girls, 9, Park Hill Road, Liverpool.	Mar. 19, 1856	,,
,, .	North Lancashire Reformatory for Boys, Bleasdale, Garstang.	Sept. 2, 1857	,,
,, .	Manchester and Salford Reformatory for Boys, Blackley, near Manchester.	Oct. 16, 1857	,,
,, .	Lancashire Reformatory for Roman Catholic Girls, May Place, Old Swan, Liverpool.	Nov. 24, 1876 and Feb. 1, 1902	29 & 30 Vict. c. 117.
,, .	Birkdale Farm Reformatory School for Roman Catholic Boys, Ainsdale, Southport.	Nov. 10, 1871	,,
Monmouth .	Monmouthshire Reformatory for Boys, Little Mill, Pontypool.	Feb. 7, 1859	17 & 18 Vict. c. 86.
Northampton	Northamptonshire Society's Reformatory for Boys, Tiffield, near Towcester.	Jan. 21, 1856	,,
Northumberland	North-Eastern Reformatory for Boys, Netherton, Morpeth.	June 3, 1857	,,
Suffolk .	Kerrison Reformatory for Boys, Thorndon, Eye.	Mar. 22, 1856 and Aug. 22, 1902	,,
,, .	Industrial Home Reformatory for Girls, St. Matthew's, Ipswich.	June 18, 1858	,,
Surrey .	Philanthropic Farm School, Reformatory for Boys, Redhill, Reigate.	Sept. 2, 1856	,,
Warwick .	Saltley Reformatory for Boys, Smallheath, Birmingham.	Aug. 26, 1854	,,
,, .	Warwickshire Reformatory for Boys, Weston, Leamington.	Nov. 20, 1856	,,
,, .	Warwickshire Reformatory for Girls, Coventry.	Feb. 17, 1869	29 & 30 Vict. c. 117.
Wilts. . .	Wilts. Reformatory for Boys, Warminster.	Dec. 23, 1856 and Jan. 1, 1902	17 & 18 Vict. c. 86.
Worcester .	Stoke Farm Reformatory for Boys, Bromsgrove.	Dec. 9, 1854	,,

County.	Name and Situation.	Date of Certificate.	Statute under which Certified.
York . .	Calder Farm Reformatory for Boys, Mirfield.	Dec. 15, 1855	17 & 18 Vict. c. 86.
,, . .	Castle Howard Reformatory for Boys, Welburn, York.	May 3, 1856	,,
,, . .	Leeds Reformatory for Boys, Adel, Leeds.	Dec. 2, 1857	,,
,, . .	Yorkshire Reformatory for Roman Catholic Boys, near Market Weighton.	July 25, 1856	,,
,, . .	Kirkedge Reformatory for Roman Catholic Boys (late "Clarence"), temporary premises near Sheffield.	Aug. 3, 1864 Nov. 19, 1886 and Sept. 3, 1901	,,

SCOTLAND.

Edinburgh .	Dalry Reformatory for Girls, Loanhead, Edinburgh	April 23, 1858 and May 22, 1899	17 & 18 Vic c. 86.
,, .	Wellington Farm Reformatory for Boys, Penicuik, Edinburgh.	Dec. 24, 1859	,,
Forfar .	Rossie Reformatory for Boys, Montrose.	May 4, 1857	,,
Lanark .	House of Refuge for Girls, East Chapelton, Bearsden, Glasgow.	May 16, 1879 July 1, 1882	29 & 30 Vic c. 117.
,, .	Reformatory for Roman Catholic Boys, Parkhead, Glasgow.	Aug. 9, 1859	17 & 18 Vict. c. 86.
Renfrew .	Kibble Reformatory for Boys, Paisley.	July 2, 1859 and Oct. 6, 1902	,,
Wigton .	Stranraer Reformatory for Boys, Stranraer.	Oct. 1, 1859	,,

(*b*) INDUSTRIAL SCHOOLS.

ENGLAND.

Berks. .	Girls' Industrial School, Hill House, Cold Ash, near Newbury.	Nov. 27, 1885	29 & 30 Vict. c. 118.
Carnarvon .	"Clio" Industrial School Ship, Bangor.	Aug. 29, 1877	,,
Chester .	Chester Industrial School for Boys, Boughton, Chester.	July 3, 1863	24 & 25 Vict. c. 113.

County.	Name and Situation.	Date of Certificate.	Statute under which Certified.
Chester—*cont.*	Albert Industrial School for Boys, Corporation Road, Birkenhead.	Feb. 14, 1866 and Mar. 1, 1899	24 & 25 Vict. c. 113.
,,	Stockport Industrial School for Boys, Offerton Lane, Stockport.	Mar. 7, 1866 and Aug. 16, 1898	,,
,,	Stockport Industrial School for Girls, Dialstone Lane, Stockport.	Feb. 6, 1877. May, 31, 1888 and Dec. 27, 1899	29 & 30 Vict. c. 118.
,,	Macclesfield Industrial School for Boys, Brook Street, Macclesfield.	May, 7, 1866	24 & 25 Vict. c. 113.
,,	The Bishop Brown Memorial Industrial School for Roman Catholic Boys, Stockport.	Sept. 4, 1885	29 & 30 Vict. c. 118.
,,	Auxiliary Working Boys Home to ditto, Stockport.	Oct. 18, 1892	,,
Cornwall	"Mount Edgcumbe" Industrial School Ship, for Counties of Devon and Cornwall, at Saltash.	May, 29, 1877	,,
	Tender to the above, "Goshawk."	Aug. 12, 1899	
Cumberland	The Cumberland Industrial School, Cockermouth.	Aug. 22, 1881	,,
Devon.	Devon and Exeter Industrial School for Boys, Exminster, Exeter.	Aug. 7, 1869	,,
,,	The Plymouth Girls' Industrial School, 13 and 14, Portland Villas, Plymouth.	April 2, 1883	,,
Dorset.	Dorset Home Industrial School for Girls, Poole.	Feb. 29, 1872	,,
,,	The Dorset County Industrial School for Boys, Milborne, Blandford.	Sept. 30, 1881	,,
Durham	Sunderland Industrial School for Boys, Silver Street, Sunderland.	June 6, 1865	24 & 25 Vict. c. 113.
,,	Sunderland Industrial School for Girls, 4 and 5, Tatham Street, Sunderland.	Aug. 7, 1869	29 & 30 Vict. c. 118.
,,	The "Wellesley" Industrial School Ship for Boys, at North Shields.	July 24, 1868	,,
,,	The Green's Home Industrial School for Boys, South Shields, in connection with the "Wellesley."	Dec. 19, 1884	,,
,,	Abbot Memorial Industrial School for Boys and Girls, Gateshead.	Jan. 27, 1869	,,
,,	Durham County Industrial School for Boys, Earls House, Witton Gilbert, Durham.	June 29, 1885	,,

County.	Name and Situation.	Date of Certificate.	Statute under which Certified.
Durham—*cont.*	St. Joseph's Home for Roman Catholic Girls, Carmel Road, Darlington.	Mar. 11, 1893 Aug. 16, 1898	29 & 30 Vict. c. 118.
Essex . .	St. Nicholas Industrial School for Roman Catholic Boys, Manor House, Little Ilford.	Mar. 26, 1868	,,
,, . .	Halstead Industrial School for Girls, Halstead.	Mar. 12, 1869	,,
,, . .	St. John's Industrial School for Roman Catholic Boys, Shern Hall Street, Walthamstow.	Feb. 17, 1871	,,
,, . .	Essex Industrial School for Boys, Primrose Hill, Chelmsford.	Mar. 4, 1873 Feb. 4, 1879	,,
,, . .	The School Board for London Industrial School Ship "Shaftesbury," off Grays.	July 31, 1878 and Nov. 30, 1880	,,
Glamorgan .	"Havannah" Industrial School for Boys, Cardiff.	Dec. 18, 1861	24 & 25 Vict. c. 113.
,, .	"Mars" Auxiliary Home, 219, Penarth Road, Cardiff.	Nov. 13, 1895	29 & 30 Vict. c. 118.
,, .	Swansea School Board Industrial School for Boys, Bonymaen, Swansea (formerly a Truant School).	Oct. 6, 1882 and Aug. 19, 1901	,,
Gloucester .	Park Row Industrial School for Boys, Bristol.	June 30, 1859	20 & 21 Vict. c. 48.
,, .	Clifton Industrial School for Boys, Clifton Wood, Bristol.	Oct. 23, 1866	29 & 30 Vict. c. 118.
,, .	Bristol Industrial School for Girls, Stanhope House, Somerset Street, Kingsdown, Bristol.	Oct. 23, 1867 Oct. 31, 1884	,,
,, .	Bristol Industrial School Ship, "Formidable," Portishead, Bristol.	Nov. 18, 1869	,,
,, .	Tender to Bristol Industrial School Ship "Formidable," "Polly."	Feb. 27, 1875	,,
,, .	School Board for Bristol Industrial School for Girls, Carlton House, Southwell Street, Bristol.	July 7, 1874	,,
Hants. .	Industrial School for Boys, Purbrook, Cosham.	Nov. 21, 1868 and Oct. 9, 1900	,,
,, . .	Portsmouth and South Hants. Industrial School for Girls, Sydenham House, Waterloo, Cosham.	July 21, 1881	,,
,, . .	Milton Industrial School for Boys, Alexandra Road, Farnborough.	Sept. 13, 1898 (original certificate Mar. 15, 1875)	,,
Hereford .	Herefordshire and District Working Boys' Home, Bath Street, Hereford.	Nov. 1, 1877	,,

County.	Name and Situation.	Date of Certificate.	Statute under which Certified.
Herts. .	Church Farm Industrial School for Boys, East Barnet.	June 4, 1863	24 & 25 Vict. c. 113.
Kent .	St. Vincent's Industrial School for Roman Catholic Boys, Dartford.	July 31, 1878	29 & 30 Vict. c. 118.
,, .	Kent County Industrial School for Boys, Kingsnorth, near Ashford.	Oct. 26, 1875	,,
,, .	East London Industrial School, Brookbank Road, Lewisham.	Mar. 28, 1873 Oct. 28, 1884	,,
,, .	St. Vincent's Junior Industrial School for Roman Catholic Boys, Cliff Terrace, Whitstable.	Jan. 4, 1899	,,
Lancaster .	Bolton Industrial School for Boys, Lostock Junction, Bolton.	June 13, 1870	,,
,, .	Liverpool Industrial School for Boys, Everton Terrace, Liverpool.	Dec. 3, 1864	24 & 25 Vict. c. 113.
,, .	Hornby Home for Working Boys in connection with above, 26, Village Street, Everton, Liverpool.	Dec. 2, 1902	,,
,, .	Liverpool Industrial School for Girls, 39, Northumberland Terrace, Liverpool.	Jan. 5, 1878	29 & 30 Vict. c. 118.
,, .	St. George's Industrial School for Roman Catholic Boys, West Derby Road, Liverpool.	Dec. 30, 1861	24 & 25 Vict. c. 113.
,, .	St. Elizabeth's Industrial School for Roman Catholic Girls, 64, Breckfield Road South, Liverpool.	Dec. 30, 1861	,,
,, .	St. Mary's Industrial School for Girls, 35, Walton Road, Kirkdale, Liverpool.	Aug. 27, 1878	,,
,, .	St. Anne's Industrial School for Roman Catholic Girls, Freshfield, near Liverpool.	June 13, 1867 June 26, 1886	,,
,, .	Orphanage Industrial School for Roman Catholic Boys, Beacon Lane, Liverpool.	July 21, 1868	,,
,, .	Orphanage Industrial School for Roman Catholic Girls, 65, Falkner Street, Liverpool.	Oct. 16, 1868	,,
,, .	Refuge for Roman Catholic Boys, 62, St. Anne Street, Liverpool.	May 10, 1869	,,
,, .	Holy Trinity Industrial School for Boys, 77, Grafton Street, Toxteth Park, Liverpool.	Oct. 3, 1870	,,
,, .	Auxiliary Home in connection with above, 67, Grafton Street, Liverpool	Aug. 1, 1900	—

County.	Name and Situation.	Date of Certificate.	Statute under which Certified.
Lancaster—*cont.*	Manchester Industrial School for Boys, Ardwick Green, Manchester.	April 6, 1859	20 & 21 Vict. c. 48.
,,	Auxiliary Home, 59, Ardwick Green, Manchester.	Nov. 28, 1900 and Mar. 22, 1901	,,
,,	Manchester Industrial School for Girls, at Sale.	April 21, 1877	29 & 30 Vict. c. 118.
,,	St. Joseph's Industrial School for Roman Catholic Boys, Richmond Grove, Manchester.	June 14, 1871	,,
,,	St. Joseph's Working Boys' Home	June 24, 1882	,,
,,	St. Joseph's Industrial School for Roman Catholic Girls Victoria Road, Manchester.	Aug. 2, 1871 and Sept. 2, 1884	,,
,,	Barnes' Home Industrial School for Boys, Heaton Mersey.	June 14, 1871	,,
,,	Blackbrook House, Industrial School for Roman Catholic Girls, St. Helen's.	Dec. 23, 1899	,,
,,	Nile Street Industrial School for Girls, Liverpool.	Nov. 18, 1885	,,
,,	Auxiliary Home for Roman Catholic Working Boys, 105, Shaw Street, Liverpool.	June 26, 1893 and April 2, 1895	,,
,,	St. Thomas' Home Industrial School for Roman Catholic Boys, Preston.	May 29, 1901	,,
,,	Tulketh Hall Boys' Home, Preston, in connection with the above.	,,	,,
Leicester	Leicester School Board Industrial School, Desford, near Leicester.	Jan. 13, 1881	,,
Middlesex	London County Council Industrial School for Boys at Feltham.	Feb. 13, 1867	,,
,,	The Girls' Home Industrial School, 22, Charlotte Street, Portland Place, W.	May 4, 1867 Oct. 27, 1874	,,
,,	The Boys' Home Industrial School, Regent's Park Road, Primrose Hill, N.W.	Nov. 18, 1865	24 & 25 Vict. c. 113.
,,	Elm House (late School of Discipline) Industrial School for Girls, Parsons Green, S.W.	July 9, 1859 Mar. 8, 1890	20 & 21 Vict. c. 48.
,,	St. Margaret's Home Industrial School for Roman Catholic Girls, Holcombe House, Mill Hill, N.W.	June 2, 1871	29 & 30 Vict. c. 118.
,,	Field Lane Industrial School for Boys, Hillfield Road, West Hampstead, N.W,	Oct. 12, 1873	,,
,,	Hayes Industrial School for Jewish Boys, Hayes, Uxbridge.	Dec. 7, 1900	,,

County.	Name and Situation.	Date of Certificate.	Statute under which Certified.
Middlesex—*cont.*	King Edward Industrial School for Girls, Andrew's Road, Cambridge Heath, Hackney, E.	Feb. 15, 1872 and Jan. 21, 1875	29 & 30 Vict. c. 118.
,,	The London School Board Industrial School for Girls, Gordon House, Isleworth.	Dec. 1, 1897 and Dec. 3, 1900	,,
,,	Industrial School for Roman Catholic Girls, Nazareth House, Isleworth.	Mar. 22, 1898 Sept. 11, 1899	,,
,,	St. Patrick's Auxiliary Home for Roman Catholic Boys, 14, Manette Street, Charing Cross Road, W.C.	April 24, 1899 and Feb. 17, 1902	,,
,,	Grotto Home for Working Boys, 55, Paddington Street, Marylebone, N.W.	Dec. 4, 1900	,,
Norfolk	Industrial School for Girls, at Fakenham.	Nov. 17, 1868	,,
,,	Norfolk Industrial School for Boys, Buxton Lamas, near Norwich.	June 23, 1894	,,
Northumberland	Newcastle-on-Tyne Industrial School for Boys and Girls.	June 3, 1859	20 & 21 Vict. c. 48.
,,	Northumberland Village Homes for Girls, Whitley-by-the-Sea, Newcastle-on-Tyne.	June 6, 1879	29 & 30 Vict. c. 118.
,,	The Chadwick Memorial Industrial School for Roman Catholic Boys, Town Moor, Newcastle-on-Tyne.	Dec. 27, 1882 Aug. 11, 1883	,,
,,	Industrial School for Roman Catholic Girls, Ashburton House, Gosforth, Newcastle-on-Tyne.	Jan. 30, 1884	,,
,,	The Northumberland Association's Industrial Home for Girls, Plainmellor, Haltwhistle.	July 9, 1885	,,
,,	St. Vincent's Home for Roman Catholic Boys, Brunel Terrace, Elswick, Newcastle-on-Tyne.	Feb. 24, 1894	,,
Oxon	Girls' Industrial School, Shipton-under-Wychwood (transferred from Hemel Hempstead).	Oct. 7, 1884 May 15, 1900	,,
Somerset	Somerset Industrial Home for Boys, Twerton, Bath.	July 19, 1866	24 & 25 Vict. c. 113.
,,	Industrial School for Roman Catholic Boys, Cannington, Bridgewater.	Nov. 17, 1868	29 & 30 Vict. c. 118.
,,	Industrial School for Girls, 17, Walcot Parade, Bath.	April 17, 1876	,,
,,	Auxiliary Boys' Home, 16, Albert Buildings, Bath. Closed at present.	Oct. 24, 1882 and Sept. 6, 1883	,,

County.	Name and Situation.	Date of Certificate.	Statute under which Certified.
Stafford .	Staffordshire Industrial School for Boys, Werrington, Stoke-on-Trent.	Mar. 21, 1868	29 & 30 Vict. c. 118.
,, .	Boys' Home, Standon Bridge, Eccleshall.	Oct. 16, 1885	,,
,, .	Staffordshire Industrial School for Girls, Lichfield.	Oct. 30, 1889	,,
Suffolk .	Industrial Home for Boys, Walsham-le-Willows.	Aug. 3, 1896	,,
,, .	Auxiliary Home in connection with Feltham and Mayford, Battery Green, Lowestoft.	June 21, 1902	,,
Surrey .	London County Council Industrial School for Boys, Mayford, Woking.	Aug. 7, 1871, Oct. 29, 1884, and Aug. 30, 1887	,,
,, .	Princess Mary Village Homes Industrial School for Girls, Addlestone.	Feb. 26, 1872	,,
,, .	St. Mary's Industrial School for Roman Catholic Girls, Wellesley Road, West Croydon.	Mar. 20, 1871 Sept. 1, 1886 Mar. 8, 1897	,,
,, .	St. George's Home for Roman Catholic Working Boys, 17, Westminster Bridge Road, S.E.	Dec. 3, 1891 and April 17, 1900	,,
Sussex .	School Boards for Brighton and London Industrial School, Portslade, near Brighton (late Chailey, near Lewes).	June 9, 1875 and May 3, 1902	,,
Warwick .	Birmingham Town Council Industrial School for Boys, Shustoke, Coleshill.	Feb. 18, 1868	,,
,, .	Harborne Industrial School for Boys (late Gem Street), Birmingham.	Mar. 26, 1868 and Dec. 20, 1902	,,
,, .	Witton Hall Industrial School for Boys, Witton, Birmingham (late Penn Street).	Jan. 30, 1863 June 13, 1902	24 & 25 Vict. c. 113.
,, .	Girls' Industrial Home, Leicester Street, Coventry.	Jan. 17, 1862 Oct. 5, 1889	,,
Wilts. .	St. Elizabeth's Industrial School for Roman Catholic Girls, Exeter Street, Salisbury.	Dec. 19, 1870	29 & 30 Vict. c. 118.
York . .	Hull School Board Industrial School for Girls, Park Avenue, Hull.	Oct. 25, 1884 July 17, 1888	,,
,, . .	Leeds School Board Industrial School for Boys, Shadwell, near Leeds.	Mar. 25, 1862 May 22, 1877 June 19, 1879	,,
,, . .	Leeds Industrial School for Girls, Windsor House, Windsor Street, Burmantofts, Leeds.	Sept. 22, 1870	,,

County.	Name and Situation.	Date of Certificate.	Statute under which Certified.
York—*cont.*	York Industrial School for Boys, Marygate, York.	June 18, 1858	20 & 21 Vict. c. 48.
,, . .	York Industrial School for Girls, Lowther Street, York.	June 25, 1877 and July 17, 1884	,,
,, . .	School Board for Middlesbrough Industrial School for Boys, Linthorpe, Middlesbrough.	Nov. 19, 1874	,,
,, . .	The Humber Industrial School Ship "Southampton," at Hull.	July 31, 1868	29 & 30 Vict. c. 118.
,, . .	Industrial School for Roman Catholic Boys, Shibden, near Halifax.	Nov. 1, 1877	,,
,, . .	Beckett Home Industrial School for Girls. Meanwood, Leeds.	May 19, 1887	,,
,, . .	Yorkshire Roman Catholic Girls' Industrial School, Howard Hill, Sheffield.	Nov. 16, 1875 and Sept. 24, 1887	,,
,, . .	Leeds School Board Industrial School for Girls, Thorparch, near Leeds.	Jan. 4, 1896	,,
,, . .	St. Vincent's Auxiliary Home for Roman Catholic Boys, Howarth Street, Leeds.	Dec. 6, 1898	,,
,, . .	Bradford Catholic Working Boys' Home, 147, Grafton Street, Bradford.	Dec. 13, 1902	,,
	Truant Schools.		
Devon .	The Plymouth School Board Truant Industrial School for Boys, Laira House, Plymouth.	Mar. 7, 1882	29 & 30 Vict. c. 118.
Essex . .	West Ham School Board Truant School, Fyfield, Ongar.	May 19, 1885	,,
,, . .	North London Truant School for School Boards of Tottenham, Hornsey, and Edmonton, High Street, Walthamstow.	May 10, 1884	,,
Glamorgan .	South Wales and Monmouthshire Truant Industrial School, Quaker's Yard, Treharris, R.S.O.	Nov. 8, 1893	,,
,, .	Cardiff and Barry Truant Industrial School, Dinas Powis, near Cardiff.	April 21, 1899	,,
Gloucester .	Bristol Truant School, Southwell Street.	July 27, 1883	,,
Lancaster .	Liverpool School Board Truant Industrial School, Hightown, Liverpool.	Dec. 13, 1878	,,
Middlesex .	School Board for London Truant Industrial School, Upton House, Urswick Road, Homerton, E.	Oct. 8, 1878 and Feb. 7, 1885	,,

County.	Name and Situation.	Date of Certificate.	Statute under which Certified.
Middlesex—*cont.*	School Board for London Truant Industrial School, Highbury Grove, N.	Mar. 12, 1891	29 & 30 Vict. c. 118.
,,	Chiswick and Heston School Board Truant Industrial School, Holme Court, Isleworth.	May 15, 1891 and Feb. 21, 1901	,,
Staffordshire	Burton-on-Trent, Walsall, and West Bromwich Truant Industrial School, Lichfield.	Dec. 28, 1893	,,
Sussex	School Board for Brighton Truant Industrial School, Purley Lodge, Patcham.	Oct. 13, 1882	,,
York	Hull School Board Truant Industrial School for Boys, Marlborough Terrace, Hull.	Mar. 24, 1862	24 & 25 Vict. c. 113.
		July 1, 1884	29 & 30 Vict. c. 118.
,,	Sheffield School Board Truant Industrial School, Hollow Meadows, near Sheffield.	Mar. 5, 1879	,,
	SCOTLAND.		
Aberdeen	Aberdeen Industrial Schools for Boys, Oakbank, Aberdeen.	May 15, 1855	17 & 18 Vict. c. 74.
		Nov. 26, 1879	29 & 30 Vict. c. 118.
,,	Aberdeen Female School of Industry, Whitehall, Aberdeen.	Dec. 16, 1870 and Jan. 1, 1903	,,
,,	Nazareth House Industrial School for Roman Catholic Girls, Claremont, Aberdeen.	Aug. 3, 1877	,,
Ayr	Ayr Industrial School for Boys, St. Leonard's Road, Ayr.	Dec. 14, 1876	17 & 18 Vict. c. 74.
,,	Ayr Industrial School for Girls, Belmont Avenue, Ayr.	Dec. 14, 1876 and Jan. 14, 1899.	,,
,,	Kilmarnock Industrial Schools for Boys and Girls.	June 2, 1855	,,
Dumbarton	Clyde Industrial School Ship "Empress," off Row, near Helensburgh.	June 25, 1869	29 & 30 Vict. c. 118.
		Oct. 1, 1890	
Dumfries	Dumfries and Maxwelltown Industrial School for Boys, Dumfries.	April 22, 1856	17 & 18 Vict. c. 74.
Edinburgh	Original Industrial School for Boys, Liberton, near Edinburgh.	June 2, 1855, Feb. 22, 1859 and April, 6, 1887	,,
,,	Original Industrial School for Girls, Brunswick Road, Leith Walk, Edinburgh.	Nov. 25, 1875	,,

County.	Name and Situation.	Date of Certificate.	Statute under which Certified.
Edinburgh—*cont.*	Auxiliary Home for Roman Catholic Working Boys, 52, Lauriston Place, Edinburgh.	May 7, 1891 Mar. 16, 1897	29 & 30 Vict. c. 118.
,,	Leith Industrial Schools for Boys, Lochend Road, Leith.	Sept. 15, 1869	,,
,,	Victoria Industrial School for Girls, Restalrig Road, Leith.	April 1, 1889	,,
,,	St. Joseph's Industrial School for Roman Catholic Boys, Tranent, near Edinburgh.	June 22, 1889 Sept. 10, 1896	,,
Forfar	Arbroath Industrial School for Boys, Dale Cottage, Arbroath.	May 18, 1855	17 & 18 Vict. c. 74.
,,	Dundee Industrial School for Girls, Balgay, Dundee.	Mar. 30, 1861 and June 2, 1896	,,
,,	Dundee Industrial School for Boys, Baldovan, near Dundee.	May 30, 1861 and May 8, 1878	29 & 30 Vict. c. 118.
,,	Auxiliary Boys' Home, 7, Park Place, Dundee.	Nov. 24, 1899	,,
,,	Industrial School Ship "Mars," Dundee.	Sept. 30, 1869	..
,,	Tender to do., "Francis Molison."	Mar. 12, 1875	,,
Lanark	Glasgow Industrial Schools for Girls, Maryhill, Glasgow.	Mar. 10, 1855 Feb. 23, 1882	17 & 18 Vict. c. 74.
,,	Glasgow Orphanage and Industrial School for Roman Catholic Boys and Girls, 72, Abercromby Street, Glasgow.	Nov. 25, 1862	24 & 25 Vict. c. 132.
,,	Glasgow Industrial School for Boys, Mossbank, Millerston.	Jan. 15, 1868	29 & 30 Vict. c. 118.
,,	Mossbank Auxiliary Home, Rotten Row, Glasgow.	—	—
,,	Slatefields Industrial School for Roman Catholic Boys, Gallowgate Street, Glasgow.	Dec. 14, 1867	,,
,,	Dalbeth Industrial School for Roman Catholic Girls, Dalbeth House, Parkhead, Glasgow.	May 12, 1892	,,
Perth	Perth Ladies' House of Refuge Industrial School for Girls, Craigie, near Perth.	Feb. 19, 1857	17 & 18 Vict. c. 74.
,,	Fechney Industrial School for Boys, Perth.	Mar. 7, 1864	24 & 25 Vict. c. 132.
,,	Girls' School of Industry, Well's Hill, Perth.	June 7, 1870	29 & 30 Vict. c. 118.
Renfrew	Greenock Industrial Schools for Boys, Captain Street, Greenock.	April 5, 1855	17 & 18 Vict. c. 74.
,,	Friendless Girls' Home, Brachelston Street, Greenock	Dec. 29, 1896 and Feb. 6, 1902	29 & 30 Vict. c. 118.

County.	Name and Situation.	Date of Certificate.	Statute under which Certified.
Renfrew—*cont.*	Paisley Industrial Schools for Boys and Girls, Albion Street, Paisley.	June 22, 1870	29 & 30 Vict. c. 118.
Stirling .	Stirling Industrial School for Boys, Baker Street, Stirling.	Feb. 29, 1876	,,
,, .	Stirling Industrial School for Girls	May 5, 1868	,,
Wigton .	Industrial Home for Girls, Newton Stewart.	Jan. 17, 1862	24 & 25 Vict. c. 132.
	NOTE.—The Burghal Reformatory School, Poor House, Forest Row, Edinburgh, and the Govan Parochial School, Glasgow, Govan Poor House, hold Industrial School Certificates, but children are not committed to them for detention under the provisions of the Industrial Schools Statute.	April 22, 1856 Dec. 23, 1854	17 & 18 Vict. c. 74. ,,

(c) DAY INDUSTRIAL SCHOOLS.

Durham .	Sunderland School Board Day Industrial School, Bishopswearmouth.	June 7, 1884	39 & 40 Vict. c. 79, and Order in Council, March 20, 1877.
Gloucester .	Bristol School Board Day Industrial School, Temple Backs, Bristol.	Oct. 3, 1877 May 29, 1889	,,
Lancaster .	Liverpool School Board Day Industrial School (South Corporation School), Park Lane, Liverpool.	May 4, 1878	,,
,, .	Liverpool School Board Day Industrial School, Bond Street, Liverpool.	June 15, 1878 and May 16, 1888	,,
,, .	Kirkdale Day Industrial School, Major Street, Liverpool.	Aug. 27, 1878	,,
,, .	Liverpool School Board Day Industrial School, Queensland Street, Liverpool.	Feb. 4, 1884	,,
,, .	Liverpool School Board Day Industrial School, Addison Street, Liverpool.	Mar. 6, 1891	,,
,, .	Salford School Board Day Industrial School, Albion Street, Salford.	Oct. 6, 1885	,,

County.	Name and Situation.	Date of Certificate.	Statute under which Certified.
Lancaster—*cont.*	Manchester School Board Day Industrial School, Mill Street, Ancoats, Manchester.	Jan. 11, 1889	39 & 40 Vict. c. 79, and Order in Council, March 20, 1877.
,, .	Blackburn School Board Day Industrial School, Maysom Street, Blackburn.	Oct., 1890	,,
,, .	Bootle School Board Day Industrial School, Marsh Lane, Bootle.	Dec. 3, 1895	,,
London .	School Board for London Day Industrial School, Drury Lane, W.C.	Aug. 23, 1895	,,
,, .	School Board for London Day Industrial School, Brunswick Road, Poplar, E.	Sept. 12, 1901	,,
,, .	School Board for London Day Industrial School, Ponton Road, Nine Elms, S.W.	April 7, 1902	,,
Nottingham.	Nottingham School Board Day Industrial School, George Street, Nottingham.	Feb. 1, 1886	,,
Oxford .	Oxford School Board Day Industrial School, 60, St. Aldate's Street, Oxford.	Jan. 29, 1879	,,
Stafford .	Wolverhampton School Board Day Industrial School, Salop Street, Wolverhampton.	Sept. 2, 1881	,,
York . .	Leeds Day Industrial School, Edgar Street, Leeds.	July 22, 1881	,,
,, . .	Leeds Day Industrial School, Czar Street, Holbeck, Leeds.	Oct. 20, 1891	,,
	SCOTLAND.		
Edinburghshire.	Edinburgh School Board Day Industrial School, St. John's Hill.	July 18, 1898	Day Industrial School Act, (Scotland), 1893.
Lanark .	Glasgow Day Industrial School, Green Street, Calton, Glasgow.	Oct. 1, 1879	Glasgow Juvenile Delinquency Act, 1878.
,, .	Glasgow Day Industrial School, Rotten Row, Glasgow.	Aug. 15, 1882	,,
,, .	Glasgow Day Industrial School, Rose Street, Hutcheson Town, Glasgow.	May 6, 1889	,,
,, .	Glasgow Day Industrial School, William Street, Anderston, Glasgow.	Aug. 19, 1902	,,

INSTRUCTIONS AS TO THE TRANSFER OF SCHOOLS.

1. The Board of Education have no power to compel the transfer of any school to a school board. The Board of Education can only *consent* to the terms of transfer *agreed* to by the managers of an elementary school and the school board of the district within which the school in question is situated.

2. When school premises have (under the advice of the Committee of Council on Education for the time being) been erected, enlarged, improved, or fitted up partly by pecuniary aid (*a building grant*) from the Parliamentary grant, the Board of Education will refuse to pay any annual grant to a school board on account of a school carried on in such premises until such school has been actually transferred under section 23 of the Elementary Education Act, 1870.

3. Where no *building grant* has been made by the Education Department, the parties, if so advised, may transfer under section 19 of the Act. If this is done, the clerk to the school board should send to the Board of Education a notice that the school has been taken over by the school board as soon as such is the fact. The Minute of the Education Department of the 17th July, 1871, and the explanatory letter thereon of the 1st January, 1872, may be of assistance in determining the preliminary question.

4. (a.) If it is decided by the parties concerned to submit an arrangement for transfer to the Board of Education under section 23, a form 96 (to be obtained on application to the Board) should be completed and sent to the Board of Education for consideration with the draft of the proposed arrangement for transfer.

(b.) In filling up the form 96, each answer should be written opposite the corresponding question.

(c.) When the answers have been filled in, the form should be dated, and signed by the solicitor to the board, the secretary or clerk of the managers, and the clerk of the school board.

5. (a.) In preparing a draft arrangement for transfer, for submission to the Board of Education under section 23, one of the printed forms, 96 T., supplied by the Board, *must* be used, and not a manuscript draft.

(b.) The arrangement should be submitted to the Board of Education as a draft, *i.e.*, unexecuted, and is of no validity until approved by the Board.

(c.) The consent of the Board of Education to an arrangement under section 23 is confined to approving a copy of the draft terms of arrangement. It must rest with the parties concerned to determine what further proceedings may be required to complete the transfer.

6. In preparing the draft 96 T. in cases where there is an instrument declaring the trusts of the school, and such instrument contains any provision for the *alienation* of the school *by any persons, or in any manner, or subject to any consent*, care must be taken to set forth properly that the arrangement is made by the persons in the manner and with the consent so provided. The draft 96 T. will therefore require to be modified :—

(a.) The aforesaid persons will be the proper parties to the arrangement, and their names will require to be inserted on page 1 of 96 T.

(b.) After the words "it is provided that" in paragraph B., should be inserted a recital of the aforesaid proviso for alienation.

(c.) This recital should be followed by a statement that the consents and formalities required by the proviso have been duly obtained and fulfilled, the proper dates being given.

(d.) Paragraphs B^1., C., C^1., C^2., and the last line of paragraph B., should be struck out. It will also be necessary to strike out of paragraph A. the words "the managers are managers within the meaning of the Elementary Education Act, 1870, and," and the word "managers" in paragraph F. should be replaced by the proper description of the aforesaid persons.

7. The terms of arrangement should be inserted in paragraph F.

(a.) The arrangement may be for a term of years, or for the entire interest which can be transferred under section 23.

(b.) The school board must not undertake to pay any consideration other than a strictly nominal one (say five shillings), whether such consideration consists of a price or of a rent.

(c.) The arrangement may provide for the discharge of any *bonâ fide* encumbrance which is secured by a charge on the school premises, provided the amount of such encumbrance does not exceed the value of the interest in the premises and endowment transferred to the school board. (See paragraph 10, *post*.)

(d.) The arrangement may provide for the school board keeping down the interest on any such encumbrance as that specified in paragraph 7 (c.), *ante*, provided the annual amount of such interest does not exceed the annual value of the interest in the premises and endowment transferred to the school board.

(e.) The arrangement must not provide for the payment by the school board of any other debt, or for the keeping down by the school board of the interest on any other debt.

(f.) The arrangement must not provide for the payment by the school board of the current expense of maintaining the school during any time *prior to the date of the transfer*, and this date must not be earlier than the date of the consent of the Board of Education to the terms of arrangement for transfer.

(g.) If the fittings, furniture, books, and apparatus of the school are private property, they should be dealt with by a distinct agreement outside of any arrangement submitted to the Board of Education under section 23. If, however, these articles can only be dealt with by an arrangement under that section, there must be no valuable consideration given for them or for their use by the school board.

(h.) The use to which the trustees or managers think they may legally put the school premises during any times when their use is not transferred to the school board must not be specified in the arrangement for transfer, as the Board of Education do not think they should be called upon to express any opinion upon that point.

(i.) The arrangement must not prescribe the kind of instruction (whether religious or secular) to be given in the school. It must not contain anything as to the examination or inspection of the school, the appointment of managers or teachers, the admission of children, or the general management of the school. The school, so far as transferred to the school board, must be managed in every respect as the school board for the time being see fit, subject only to sections 7 and 14 of the Elementary Education Act, 1870.

8. If there is any trustee of the school who is not also a manager (whose address is known), the proposed terms of arrangement should be shown to him, and his observations thereon communicated by the clerk of the school board to the Board of Education. The view which the school board and the managers take of these observations should also be communicated to the Board of Education.

9. If there are any societies (such as the National Society, the British and Foreign School Society, the Wesleyan Education Committee, the Roman Catholic Poor School Committee, or any local educational body) who have contributed to the establishment of the school, the proposed terms of arrangement should be shown to them, and their observations thereon communicated by the clerk of the school board to the Board of Education. The view which the school board and the managers take of these observations should also be communicated to the Board of Education, who should be informed what practical reasons prevent the school board and managers from agreeing to meet the objections made by the society to the arrangement, on the ground that it involves an unnecessary departure from the terms of the original trust. The Board of Education, under the 23rd section of the Act of 1870, are required to "consider and have due regard to any objections and representations respecting the proposed transfer which may be made by any *person* (which includes a body corporate, section 3) who has contributed to the establishment of such school."

10. If the school board are to pay off or keep down any encumbrance charged on the school, full particulars of the origin and nature of such charge must be given, and the Board of Education must be informed of the reasons for supposing that the charge is one duly created. A certificate of a professional surveyor must in such a case also be sent to the Board of Education to show the value of the interest in the school premises which it is proposed to transfer to the school board.

11. (a.) The trust deeds or other instruments of trust of the school (or copies thereof) must be sent to the Board of Education with forms 96 and 96 T.

(b.) Where there has been a school building grant made by the Education Department, the trust instruments affecting the school premises of an earlier date than the school building grant need not be sent.

12. A solicitor should be employed in the case of every transfer under section 23, to consider and fill up the forms 96 and 96 T., but *all* communications with the Board of Education on the subject of a proposed transfer under section 23 must be made through the clerk of the school board.

13. Where it is proposed to transfer more than one school, the correspondence as to the transfer of each school should be conducted separately.

14. Any consent required by section 23 of the Elementary Education Act, 1870 (for example, the consent of the body of managers and of the body of annual subscribers), should be obtained, if possible, *in a general form*. That is, such consent should be to the proposed terms of arrangement for transfer, subject to such modifications in detail as may be required by the Board of Education before giving their consent. The Board of Education should be informed by the clerk of the school board whether the aforesaid consents or any of them have been given in such general form. The course here suggested is calculated to prevent unnecessary delay.

Form 96 T.

ELEMENTARY EDUCATION ACT, 1870. SECTION 23.

FORM OF TRANSFER.

This date must not be earlier than the date of the consent of the Board of Education to the arrangement.

Memorandum of arrangement made the day of between

the managers of the school, which said persons above named are hereinafter called "the managers," and which said school is hereinafter called "the school," of the *one part*, and

the school board for hereinafter called "the board," of the *other part.*

A.—Whereas "the managers" are managers within the meaning of the Elementary Education Act, 1870, and "the school" is an elementary school in the district of the board.

In cases falling under Section 23 (1) *of the Elementary Education Act, use B. C.*

B.—And whereas by an instrument declaring the trusts of the school, to wit, an indenture bearing date the day of and made between

Insert parties.

it is provided that

State the manner in which, and the assent with which a resolution or act binding the managers is to be passed or done, s. 23 (1).

but such instrument contains no provision for the alienation of the school; (*a*)

C.—And whereas the arrangement hereinafter set forth has been proposed by the managers, and assented to by the board: And the managers in pursuance of such proposal have passed a resolution on the day of according to the manner in which, and with the assent with which a resolution binding the managers was to be passed.

In cases falling under Section 23 (2) (3) *of the Elementary Education Act instead of B. let B*[1]. *and instead of C. let C*[1]. *or C*[2]. *be substituted.*

B[1].—And whereas there is no instrument declaring the trusts of the school or containing any provision with respect to the manner in which or the assent with which a resolution or act binding the managers is to be passed or done;

C[1].—And whereas the arrangement hereinafter set forth has been proposed by the managers and assented to by the board and the managers in pursuance of such proposal have passed a resolution in the manner in which and with the assent with which it has been shown to the Board of Education to have been usual for a resolution binding the managers to be passed;

Question 7 in Form 96 should be answered.

(*a*) When there is any provision "for the alienation of the schools by any persons or in any manner or subject to any consent, any arrangement under this section shall be made by the persons in the manner and with the consent so provided": E. Act, sect. 23.

[Or *if no manner or assent can be shown to have been usual.*]

C[2].—And whereas the arrangement hereinafter set forth has been proposed by the managers and assented to by the board and the said arrangement on the day of received the assent of being not less than two-thirds of those members] of the body of managers who were present at a meeting of the body summoned for the purpose and voted on the question;

Strike out paragraph D. or paragraph D[1] according as there are, or are not, any annual subscribers.

D.—And whereas there are no annual subscribers to the school;

D[1].—And whereas on the day of the said arrangement received the consent of (not being less than two-thirds) of the annual subscribers to the school who were present at a meeting duly summoned, and voted on the question;

State the terms of the agreement.

E.—And whereas the proposed arrangement received the consent of the Board of Education on the day of

F.—Now it is hereby agreed between the managers and the board as follows:

In this arrangement the expression "school-house" means the hereditaments comprised in, and of which the trusts are declared by, the hereinbefore recited instrument.

(1). Insert the term of years and the hours and days fixed on. The hours fixed on should give to the board *at least* 2½ hours for the morning meeting and 2½ hours for the afternoon meeting of the school. Less time will not allow for marking the registers, and the orderly assembling and dismissal of the children. Holidays, such as Christmas Day, Good Friday, &c., should (if agreed upon) be specially reserved.

The board shall during the term of (1) years from the date of these presents, have the exclusive use at all times of every teacher's residence forming part of the school-house, and also the exclusive use of the rest of the school-house on every week day from (1) o'clock in the morning until (1) o'clock in the afternoon, and after six o'clock in the afternoon of every (1)

The right to the use of the school-house at all such times, as its use is not by this arrangement allowed to the board, shall be in those persons who but for the said arrangement would have the said right.

The board shall during the said term pay and discharge all rates, taxes, charges, assessments, and out-goings whatsoever, whether parliamentary, municipal, parochial, local, or of any other description, which are now or may at any time hereafter be assessed, charged, or imposed upon the school-house, or on the owner or occupier in respect thereof.

The board shall at their own costs during the said term insure and keep insured against loss by fire the school-house to the full value thereof in some office of repute, and shall expend all moneys received in respect of such insurance upon the school-house in such manner as may be directed by the Board of Education.

The board shall during the said term keep the school-house clean and in good and tenantable repair internally and externally.

All the costs and expenses of, and incidental to, these presents, and the carrying out and perfecting of the said arrangement, shall be borne and paid by the board.

If any annual grant received by the board from the Board of Education on account of the school relates to a period during part of which the school was conducted by the managers, any grant paid by the Board of Education in respect of such part, but not in any case exceeding the net liabilities of the managers at the date at which the school ceased to be conducted by them, shall be paid by the board to the managers.

Provided always that notwithstanding anything expressed or contained in the present arrangement, the board shall continue to have such use of the school-house as hereinbefore specified until the expiration of a period not exceeding 12 months to be fixed by the board after the value of any works executed with the aid of a loan shall have been repaid to the board.

The aforesaid value shall be the value at the time when the repayment is made in full, and the amount to be so repaid shall be ascertained and certified by a surveyor selected jointly by the board and the managers to whom the school will revert when it ceases to be a school provided by the board. In the event of their disagreement the surveyor shall be appointed by the Board of Education and his expenses defrayed by the board and managers in such proportions as the Board of Education shall direct.

G.—From and after the day of the school hereby transferred shall to such extent and during such times as the board have under the said arrangement any control over such school be deemed to be a school provided by the board within the meaning of the Elementary Education Act, 1870. In witness, &c.

This date must be earlier than the date of the consent of the Board of Education to the arrangement.

The above recitals are correct to the best of our knowledge and belief.

Solicitor of School Board.

Clerk of Managers.

Clerk of School Board.

[Official Form 2 B. L., with Suggested Amendments.]

August, 1900.

EDUCATION ACTS, 1870—1902.

FORM OF BYELAWS FOR SCHOOL BOARDS (*a*), UNION SCHOOL BOARD DISTRICTS OR SCHOOL ATTENDANCE COMMITTEES (*b*) COMPRISING ONE DISTRICT.

BYELAWS MADE UNDER SECTION 74 OF THE ELEMENTARY EDUCATION ACT, 1870, AS AMENDED BY THE ELEMENTARY EDUCATION ACTS, 1876, 1880, 1893, 1899, AND 1900 (*c*).

[Insert the name of the district (*d*) to which it is intended that the proposed byelaws shall relate.]

FOR THE

[Insert the name of the school board (*a*) or school attendance committee (*b*) making the proposed byelaws.]

BY THE

Definitions.

1. In these bye-laws—

The term "district" (*d*) means

[Insert the name of the district (*d*) to which it is intended that the proposed byelaws shall relate.]

The word "child" means a child residing in the district.

The term "school" means a certified efficient school.

NOTE.—When byelaws have been adopted, one copy of the form with the blanks filled up in ink should be transmitted to the Board of Education for consideration, before any further steps whatever are taken. Another copy of the form with the alterations should be retained by the school board (*a*), or school attendance committee (*b*). As soon as the Board of Education consider that the byelaws are in such a form that they may be printed and deposited, the school board, or school attendance committee, will be informed of that fact and full instructions will be sent by the Board of Education to the school board or school attendance committee, as to the publication and deposit required by sect. 74 of the E. E. Act, 1870. *N.B.*—As a rule the Board will not accept a lower standard than the fifth for total exemption, nor one lower than the fourth for partial exemption. (See also Departmental Circular 439, of 7th February, 1900.)

(*a*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (10).

(*b*) School attendance committees are abolished as from the "appointed day": see p. 5.

(*c*) Presumably there will now be added "and by the Education Act, 1902."

(*d*) This will now be "area," i.e., the local education authority area to which the proposed byelaws are to relate.

"Attendance" means an attendance at a morning or afternoon meeting of the school.

The "Code for the time being" means the Code of Minutes of the Board of Education in force for the time being, with respect to the parliamentary grant to public elementary schools in England.

The term "local authority" means the local authority for the district acting for the time being under the Elementary Education Act, 1876 (*a*).

Children to attend school.

2. The parent of every child of not less than five, nor more than fourteen years of age, shall cause such child to attend school unless there be a reasonable excuse for non-attendance.

Reasonable excuses.

Any of the following reasons shall be a reasonable excuse, namely:

(a.) That the child is under efficient instruction in some other manner.

(b.) That the child has been prevented from attending school by sickness or any unavoidable cause.

[Insert a number not greater than three.]

(c.) That there is no public elementary school open which the child can attend within miles, measured according to the nearest road from the residence of such child.

Time of attendance.

3. The time during which every child shall attend school shall be the whole time for which the school selected shall be open for the instruction of children of similar age.

Proviso as to religion and labour Acts.

4. Provided always that nothing in these byelaws—

(a.) Shall prevent the withdrawal of any child from any religious observance or instruction in religious subjects.

(b.) Shall require any child to attend school on any day exclusively set apart for religious observance by the religious body to which its parent belongs; or

(c.) Shall have any force or effect in so far as it may be contrary to anything contained in any Act for regulating the education of children employed in labour.

Proviso as to total exemption.

5. And provided always that—

(a.) A child between twelve and fourteen years of age shall not be required to attend school if such child has received a certificate from one of His Majesty's inspectors of schools that it has reached the standard prescribed by the Code for the time being.

[Insert a standard, which should be not lower than the fifth.]

(b.) When a child between twelve and fourteen years of age, being beneficially employed to the satisfaction of the local authority, has

Proviso as to partial exemption for purposes of employment.

either (i.) received a certificate from one of His Majesty's inspectors of schools that it has reached the * standard prescribed by the Code for the time being,

* Here insert a standard lower than that in 5(a.), but which should be not lower than the fourth.

or (ii.) obtained a certificate that it has made 300

(*a*) That is, the local education authority, see pp. 64, 228.

attendances in not more than two schools in each year for five preceding years, whether consecutive or not,

such child may,

(x.) while regularly making five attendances in each week in which the school is open, be exempt from further attendance at school,

or may,

(y.) after having completed * attendances during a period from † to , or subsequent thereto, be exempt from further attendances until ‡ next ensuing.

* Here insert a number not less than 200.

† Here specify the period during which partially exempted children are to attend school.

‡ Here insert the commencing date of the period before mentioned.

NOTE.—The attendances under this last sub-section (y.) may be required to be fulfilled in two or more distinct periods; in that case the periods, and the number of attendances to be made within each period, must be separately specified: and the exemption must be until the commencement of the next succeeding period.

Paragraphs (x.) and (y.) may be treated as alternatives, or both of them may be included in the byelaw.

Special byelaw for children to be employed in agriculture. 62 & 63 Vict. c. 13.

(c.) *The parent of any child may, at any time after such child is* 11 *years of age, and has passed the* § *standard, give notice to the local authority that such child is to be employed in agriculture.*

The minimum age for exemption from school attendance for such child shall be 13.

Such child while between the ages of 11 *and* 13 *shall attend school* 250 *times in the year, namely*

§ Here insert the same standard as in 5 (b.) above.

[Here set out the period or periods within which the attendances are to be made.]

Any such child, so soon as it shall have made the number of attendances required { *for any one of the periods* / *for the period* } *above mentioned, shall whilst employed in agriculture be exempt from further obligation to attend school until the* { *end of the year.* / *next succeeding period above mentioned.*

A certificate from the head teacher of a school that such child has made the attendances required by this byelaw, together with the production of the labour certificate, shall be sufficient evidence to justify the employment in agriculture of such child.

Penalty.

6. Every parent who shall not observe or shall neglect or violate these byelaws, or any of them, shall, upon conviction, be liable to a penalty not exceeding, with the costs, twenty shillings for each offence.

Revocation.

7. Any byelaws heretofore made under section 74 of the Elementary Education Act, 1870, or under that section as amended by the Elementary Education Acts, 1876, 1880, 1893, 1899, and

1900, are hereby revoked, as from the day on which the present byelaws shall come into operation.

The above byelaws were made by the at a meeting held on the day of , 190 .

[Insert the name of the school board (*a*) or school attendance committee (*b*) making the proposed byelaws.]

In witness whereof the School Board (*a*) have hereunto set their Common Seal, this day of , 190 .

Sealed in the presence of

Seal.

Chairman.

Clerk.

[The words from "witness" to the presence must be omitted when a school attendance committee (*b*) make the byelaws.]

NOTE.—To reach or pass a standard means to pass in reading, writing, and arithmetic in that or a higher standard.

FORM OF NOTICE OF DEPOSIT OF BYELAWS.

Local Education Authority for (*c*)

BYELAWS AS TO SCHOOL ATTENDANCE.

Notice is hereby given that:

1. The above local education authority (*c*) have (subject to the approval of the Board of Education) made certain byelaws in pursuance of the powers given by sect. 74 of the Elementary Education Act, 1870, as amended by the Elementary Education Acts, 1876 and 1880 (*d*).

2. A printed copy of the proposed byelaws will continue deposited, for inspection by any ratepayer, at (*e*) the office of local education authority for one month from the date of the publication of this notice.

3. At the expiration of the said month the said proposed byelaws will be submitted to the Board of Education for approval.

4. The local education authority will supply a printed copy of the said proposed byelaws gratis to any ratepayer.

Clerk.

Date.

(*a*) References to school boards to be construed as references to local education authorities: E. Act, 1902, Sch. III. (10).

(*b*) School attendance committees are abolished as from the "appointed day": E. Act, 1902, sect. 5.

(*c*) Insert the name of the local education authority area for which the proposed byelaws are to be made.

(*d*) Presumably there should now be added "and by the Education Act, 1902."

(*e*) Insert the address of the office.

Circular 467.

CIRCULAR TO TRAINING COLLEGES.

SCIENCE AND DRAWING GRANTS.

BOARD OF EDUCATION,
WHITEHALL, LONDON, S.W.,
22nd December, 1902.

SIR,

The Board of Education have had under consideration the question of the science and drawing grants (see article 128, Code of 1902) payable to training colleges for the current session, 1902—3. It was stated in circular 462, which was issued on the 20th May last, that the arrangements therein made held good for the then current session only and would be liable to review before the next year.

In laying down the following regulations the Board of Education wish to emphasise the fact that they are intended to meet the difficulties of a transitional period, and will be in force for the current session only. It is intended that the whole system of the grants to training colleges should shortly be remodelled, and considerable changes will probably be made next year, with a view to placing the organisation for the training of elementary school teachers and the Exchequer contributions thereto upon a sound educational and financial basis.

(1.) SCIENCE.

(a.) For every student who takes, under the provisions of circular 454, the approved course of general elementary science only, but no approved special course in science, a grant will be paid at a rate varying from 35*s.* to 50*s.* according to the report of the inspector upon the science equipment of the college, upon the facilities provided for adequate scientific instruction, upon the amount and character of the practical work of the students in the course, and upon the quality of the scientific instruction given.

(b.) For every student who has taken the approved course of general elementary science, and has also taken an approved special course in rural subjects, or in advanced science, or in advanced mathematics, a grant will be paid, subject to a favourable report by an inspector upon the teaching, of 35*s.* for general elementary science, for rural subjects, or for advanced science, and of 25*s.* for advanced mathematics.

(c.) For every student of the first or second year excused under the provisions of circular 454 from taking a course in general elementary science, who has attended during the session a course in

(i.) Mathematics or theoretical mechanics;

(ii.) Science: the subject being one of those mentioned in the certificate examination syllabus for 1902 as a subject for which

marks may be obtained by candidates for a certificate, or being a subject specially approved by the Board of Education:

a grant will be paid, subject to a favourable report by an inspector upon the teaching, of 25*s*. for mathematics or theoretical mechanics, and of 35*s*. for science.

Grants will be paid under similar conditions for students of the third year.

No student may obtain grants for more than two subjects. Each student must be certified by or on behalf of the principal of the college to have attended the course during the session, and to have received not less than 20 hours' instruction in the subject of the course.

(2.) DRAWING.

Grants for drawing will be paid upon the same lines as last year, that is to say, subject to a favourable report by an inspector upon the teaching, a grant of 10*s*. will be paid for every student certified by or on behalf of the principal of the college to have attended during the session a course in drawing, and to have received not less than 20 hours' instruction in the subject.

No student may obtain more than one grant of 10*s*. for drawing.

Towards the end of the session the Board of Education will issue to every training college forms of application for the grants in respect of science and of drawing.

I have the honour to be, sir, your obedient servant,

ROBERT L. MORANT.

COUNTY COUNCIL, ENGLAND.

Financial Provisions—County Stock.

ORDER IN COUNCIL CONFIRMING "THE COUNTY STOCK REGULATIONS (AMENDMENT), 1901."

At the Court of St. James's, the 8th day of August, 1901.

PRESENT:

The King's Most Excellent Majesty in Council.

Whereas the Local Government Board did, in pursuance of the powers conferred upon them by the Local Government Act, 1888, on the 2nd day of July, 1901, make certain regulations amending the regulations confirmed by Orders in Council of 26th September, 1891, and 3rd August, 1897, applicable to the creation, issue, transfer, and redemption of and other dealings with any county stock which any county council create under the Local Government Act, 1888, in exercise of any statutory borrowing power:

And whereas the said amending regulations have, as required by

the said Act, been laid before both Houses of Parliament for a period of thirty days, and no resolution has been passed by either House that such amending regulations ought not to be proceeded with.

Now, therefore, His Majesty, having taken the said amending regulations (copy whereof is hereunto annexed) into consideration, is pleased, by and with the advice of his Privy Council, to confirm and doth hereby confirm the same.

Amended Regulations referred to in the foregoing Order.

THE LOCAL GOVERNMENT ACT, 1888.

REGULATIONS AT TO THE ISSUE OF COUNTY STOCK: AMENDING ORDER.

To the County Councils of the several Administrative Counties in England and Wales, other than the County Council of London:—

And to all others whom it may concern.

Whereas by sub-section (8) of section 69 of the Local Government Act, 1888, it is enacted that where the county council are authorised to borrow any money on loan they may raise such money by stock issued under the said Act, or by the other methods mentioned in the said sub-section;

And whereas by section 70 of the said Act it is enacted as follows:—

"70.—(1.) County stock may be created, issued, transferred, dealt with, and redeemed in such manner, and in accordance with such regulations as the Local Government Board may from time to time prescribe.

"(2.) Without prejudice to the generality of the above power, such regulations may provide for the discharge of any loan raised by such stock, and in the case of consolidation of debt for extending or varying the times within which loans may be discharged, and may provide for the consent of limited owners and for the application of the Acts relating to stamp duties and to cheques, and for the disposal of unclaimed dividends, and may apply for the purposes of this section, with or without modifications, any enactments of the Local Loans Act, 1875, and the Acts amending the same, and of any Act relating to stock issued by the Metropolitan Board of Works, or by the corporation of any municipal borough.

"(3.) Such regulations shall be laid before each House of Parliament for not less than thirty days during which such House sits, and if either House during such thirty days resolves that such regulations ought not to be proceeded with the same shall be of no effect, without prejudice nevertheless to the making of further regulations.

"(4.) If no such resolution is passed, it shall be lawful for Her Majesty by Order in Council to confirm such regulations, and the same when so confirmed shall be deemed to have been duly made and to be within the powers of this Act, and shall be of the same force as if they were enacted in this Act."

And whereas we, the Local Government Board, made the County Stock Regulations, 1891, and the County Stock Regulations (Amendment), 1897, and the same were confirmed by Orders in Council dated respectively the 26th day of September, 1891, and the 3rd day of August, 1897;

And whereas it is desirable that the County Stock Regulations, 1891, and the County Stock Regulations (Amendment), 1897, should be amended as herein-after provided:

Now therefore, in the exercise of our powers in that behalf, we do hereby order and prescribe as follows:—

Article 1.—Article 2 of the County Stock Regulations, 1891, shall have effect as if in paragraph (1) thereof for the words "at such price, being not lower than ninety-five per centum," there were substituted the words "at such price, being not lower, except where the Board otherwise consent, than ninety-five per centum."

Article 2.—Article 12 of the County Stock Regulations, 1891, shall have effect as if there were added to the said article the following proviso; that is to say,—

"Provided as follows:—

"(1.) Where the county council have any statutory borrowing power which they may exercise by the creation and issue of stock, the county council, instead of exercising the statutory borrowing power by the creation and issue of additional stock, may, subject to this proviso, exercise the statutory borrowing power, either wholly or partially, by using for the purpose any moneys for the time being standing to the credit of the redemption fund account and of any separate account forming part of the redemption fund account.

"(2.) Where the county council determine to proceed in the manner authorised by paragraph (1) of this proviso, the county council shall pass a resolution to that effect; and shall, by the resolution, prescribe all such matters or things as in or in pursuance of this proviso are referred to as prescribed or are required to be prescribed; and, after passing the resolution, the county council shall—

"(a.) withdraw from the moneys standing to the credit of the redemption fund account the prescribed sum which shall be equal to the amount of the statutory borrowing power proposed to be exercised, and such sum shall be deemed to be withdrawn from such separate

account or separate accounts of the redemption fund account as shall be prescribed; and

"(b.) deduct, from the amount of stock for the time being chargeable to the undertaking or purpose or attributable to the exercise of the borrowing power to which a separate account prescribed as aforesaid has reference, a portion of stock at par value equal to the sum withdrawn from that separate account, and transfer that portion of stock, as from the prescribed date, to the separate account in respect of which the statutory borrowing power is exercised under this proviso.

"(3.) These regulations, and any regulations amending these regulations, shall apply—

"(a.) to the moneys withdrawn from the redemption fund account and used as aforesaid as though the moneys so withdrawn had been applied in the redemption of stock at par on the separate account or separate accounts from which the moneys were withdrawn, and as though the moneys so used had been raised by the issue of additional stock for the purposes of the separate account in respect of which the statutory borrowing power is exercised under this proviso; and

"(b.) to the stock deducted and transferred as aforesaid as though the stock so deducted had, in pursuance of the regulations, been redeemed by the application of moneys carried to the redemption fund account on the separate account or separate accounts from which the stock was deducted, but subject to the condition that such stock shall not be cancelled, and as though the stock so transferred were additional stock expressly issued for the purposes of the separate account in respect of which the statutory borrowing power is exercised under this proviso."

Article 3.—Article 6 of the County Stock Regulations (Amendment), 1897, and the proviso to article 16 of the County Stock Regulations, 1891, shall be rescinded; and the last-mentioned article shall have effect as if there were added to the said article the following proviso; that is to say,—

"Provided that if, after the raising of any money by stock under these regulations, it shall be found that any part of such money is not required for the purposes to which it is applicable as aforesaid, the county council shall carry the same to the redemption fund account and to the proper separate account forming part of the redemption fund account."

Article 4.—The regulations in this Order shall be read as one with the County Stock Regulations, 1891 and 1897, and may be cited as "The County Stock Regulations (Amendment), 1901,"

and with the County Stock Regulations, 1891 and 1897, may be cited as "The County Stock Regulations, 1891, 1897, and 1901."

Given under the seal of office of the Local Government Board, this second day of July, in the year one thousand nine hundred and one.

(L.S.) WALTER H. LONG,
President.

S. B. PROVIS,
Secretary.

DISTRICT COUNCIL, ENGLAND.

Financial Provisions—Urban Stock.

ORDER IN COUNCIL CONFIRMING "THE STOCK REGULATIONS (AMENDMENT), 1901."

At the Court at St. James's, the 8th day of August, 1901.

PRESENT:

The King's Most Excellent Majesty in Council.

Whereas the Local Government Board did, in pursuance of the powers conferred upon them by the Public Health Acts Amendment Act, 1890, on the 2nd day of July, 1901, make certain regulations amending the regulations, confirmed by Orders in Council of 26th September, 1891, and 3rd August, 1897, applicable to the creation, issue, transfer, and redemption of and other dealings with any stock which any urban sanitary authority create in exercise of any statutory borrowing power:

And whereas the said amending regulations have, as required by the said Act, been laid before both Houses of Parliament for a period of thirty days, and no resolution has been passed by either House that such amending regulations ought not to be proceeded with.

Now, therefore, His Majesty, having taken the said amending regulations (copy whereof is hereunto annexed) into consideration, is pleased, by and with the advice of his Privy Council, to confirm and doth hereby confirm the same. A. W. FITZROY.

Amending Regulations referred to in the foregoing Order.

PUBLIC HEALTH ACTS AMENDMENT ACT, 1890 (53 & 54 VICT. c. 59, s. 52).

REGULATIONS AS TO ISSUE OF STOCK.

AMENDING ORDER.

Whereas by section 52 of the Public Health Acts Amendment Act, 1890 (which section forms Part V of the said Act), it is enacted as follows:—

"52.—(1.) Where any authority, whether a municipal corporation, local board, or improvement commissioners, which is

an urban authority, have for the time being, either in their capacity as urban authority or in any other capacity, any power to borrow money, they may, with the consent of the Local Government Board, exercise such power by the creation of stock to be created, issued, transferred, dealt with, and redeemed in such manner, and in accordance with such regulations, as the Local Government Board may from time to time prescribe.

"(2.) Without prejudice to the generality of the above power, such regulations may provide for the discharge of any loan raised by such stock, and in the case of consolidation of debt for extending or varying the times within which loans may be discharged, and may provide for the consent of limited owners and for the application of the Acts relating to stamp duties and to cheques, and for the disposal of unclaimed dividends, and may apply for the purposes of this section, with or without modifications, any enactments of the Local Loans Act, 1875, and the Acts amending the same, and of any Act relating to stock issued by the Metropolitan Board of Works, or the County Council of London, or by the corporation of any municipal borough.

"(3.) Such regulations shall be laid before each House of Parliament for not less than thirty days during which such House sits, and if either House during such thirty days resolves that such regulations ought not to be proceeded with, the same shall be of no effect, without prejudice, nevertheless, to the making of further regulations.

"(4.) If no such resolution is passed, it shall be lawful for Her Majesty by Order in Council to confirm such regulations, and the same when so confirmed shall be deemed to have been duly made and to be within the powers of this Act, and shall be of the same force as if they were enacted in this Act."

And whereas it is provided by the Public Health Acts Amendment Act, 1890, that Part V. of that Act may be adopted by any urban sanitary authority, and by virtue of the Local Government Act, 1894, urban sanitary authorities other than the councils of county boroughs are to be called urban district councils;

And whereas we, the Local Government Board, made the Stock Regulations, 1891, and the Stock Regulations (Amendment), 1897, and the same were confirmed by Orders in Council dated respectively the 26th day of September, 1891, and the 3rd day of August, 1897;

And whereas it is desirable that the Stock Regulations, 1891, and the Stock Regulations (Amendment), 1897, should be amended as herein-after provided:

Now therefore, in the exercise of our powers in that behalf, we do hereby order and prescribe as follows:—

Article 1.—Article 2 of the Stock Regulations, 1891, shall have effect as if in paragraph (1) thereof for the words "at such price,

being not lower than ninety-five per centum," there were substituted the words "at such price, being not lower, except where the Board otherwise consent, than ninety-five per centum."

Article 2.—Article 16 of the Stock Regulations, 1891, shall have effect as if there were added to the said article the following proviso; that is to say,—

"Provided as follows:—

"(1.) Where the local authority have any statutory borrowing power and are authorised to exercise the statutory borrowing power by the creation and issue of stock, the local authority, instead of raising moneys in the exercise of the statutory borrowing power by the creation and issue of additional stock, may, subject to this proviso, exercise the statutory borrowing power, either wholly or partially, by using for the purpose any moneys for the time being forming part of the redemption fund and standing to the credit of any separate account or separate accounts forming part of the general account of that fund.

"(2.) Where the local authority determine to proceed in the manner authorised by paragraph (1) of this proviso, the local authority shall pass a resolution to that effect; and shall, by the resolution, prescribe all such matters or things as in or in pursuance of this proviso are referred to as prescribed or are required to be prescribed; and, after passing the resolution, the local authority shall—

"(a.) withdraw from the redemption fund the prescribed sum which shall be equal to the amount of the statutory borrowing power proposed to be exercised, and such sum shall be deemed to be withdrawn from such separate account or separate accounts in the general account of the redemption fund as shall be prescribed; and

"(b.) deduct, from the amount of stock for the time being chargeable to the undertaking or purpose or attributable to the exercise of the borrowing power to which a separate account prescribed as aforesaid has reference, a portion of stock at par value equal to the sum withdrawn from that separate account, and transfer that portion of stock, as from the prescribed date, to the separate account in respect of which the statutory borrowing power is exercised under this proviso.

"(3.) These regulations, and any regulations amending these regulations, shall apply—

"(a.) to the moneys withdrawn from the redemption fund and used as aforesaid as though the moneys so withdrawn had been applied in the redemption of stock at par on the separate account or separate accounts from which the moneys were withdrawn, and as though the moneys so used had been raised by the issue of additional stock

for the purposes of the separate account in respect of which the statutory borrowing power is exercised under this proviso; and

"(b.) to the stock deducted and transferred as aforesaid as though the stock so deducted had, in pursuance of the regulations, been redeemed by the application of the redemption fund on the separate account or separate accounts from which the stock was deducted, but subject to the condition that such stock shall not be cancelled, and as though the stock so transferred were additional stock expressly issued for the purposes of the separate account in respect of which the statutory borrowing power is exercised under this proviso."

Article 3.—Article 6 of the Stock Regulations (Amendment), 1897, and the proviso to article 22 of the Stock Regulations, 1891, shall be rescinded; and the last-mentioned article shall have effect as if there were added to the said article the following proviso; that is to say,—

"Provided that if, after the raising of any money by stock under these regulations, it shall be found that any part of such money is not required for the purposes to which it is applicable as aforesaid, the local authority shall pay such money into the redemption fund, and shall carry the same to the proper separate account forming part of the general account of the redemption fund."

Article 4.—For the purposes of this Order, the expression "local authority" includes any authority who, by the adoption of Part V. of the Public Health Acts Amendment Act, 1890, or otherwise, may be entitled to issue stock in the manner provided by and subject to the provisions of the said part.

Article 5.—The regulations in this Order shall be read as one with the Stock Regulations, 1891 and 1897, and may be cited as "The Stock Regulations (Amendment), 1901," and with the Stock Regulations, 1891 and 1897, may be cited as "The Stock Regulations, 1891, 1897, and 1901."

Given under the seal of office of the Local Government Board, this 2nd day of July, in the year one thousand nine hundred and one.

(L.S.) WALTER H. LONG,
President.

S. B. PROVIS,
Secretary.

REVISED REGULATIONS MADE BY THE BOARD OF EDUCATION, DATED APRIL 23, 1900, AS TO CERTIFICATES OF AGE, PROFICIENCY, AND SCHOOL ATTENDANCE.

(Elementary Education Act, 1876, sect. 24.)

BY THE BOARD OF EDUCATION.

The Board of Education, by virtue and in pursuance of the powers in them vested under the Elementary Education Act, 1876, and of every other power enabling them in this behalf, do order, and it is hereby ordered, that the following regulations be substituted for those contained in the Revised Regulations as to certificates of age, proficiency, and school attendance, dated the 28th day of February, 1898.

Certificates of Age.

1. A certificate of the date of a child's birth will be granted by a registrar or superintendent registrar of births and deaths on presentation of a requisition in a form prescribed for the purpose by the Local Government Board, [*pursuant to the 20th section of the Factory and Workshop Act*, 1891. *The prescribed form of requisition is annexed to this Order* (*Schedule I.*). *The fee for such certificate is not to exceed* 6*d.* (*Order of Local Government Board, dated 20th October*, 1891.)] (*a*).

2. A statutory declaration of the date of a child's birth, made by the parent of the child before a magistrate, may be accepted by the local authority (*b*) in place of a registrar's certificate. The declaration shall be made on the form annexed to this Order (Schedule II).

3. When a local authority (*b*), under the power given by the 26th section of the Elementary Education Act, 1876 (*c*), have obtained a return of the births of children in their district which will enable them to grant age certificates to individual children, they shall, on the application of any parent or other person interested in the education or employment of a child, grant such certificate under the hand of their clerk, or other officer deputed for the purpose, for a fee not exceeding 4*d.* for each child. This certificate is to be given in the form hereinafter prescribed for labour certificates (Schedule III.), or, in the case of a child over thirteen years of age, in the form prescribed in Schedule IV.

(*a*) This Order is now superseded by that of 23rd December, 1901, made under sect. 134 of the Factory and Workshop Act, 1901. *For Order and Form*, see p. 594.

(*b*) Now local education authority: E. E. Act, 1876, sect. 7, p. 228; E. Act, 1902, Sch. IV., Part II., p. 293, Sch. III. (1), p. 291.

(*c*) See the section p. 238.

Certificates of Proficiency.

4. Certificates of proficiency are certificates of having reached or passed any standard prescribed by the Code. To reach or pass a standard a child must be individually examined in reading, writing, and arithmetic in that or a higher standard, and must pass in each of those subjects.

5. At any visit of an inspector to any public elementary or other certified efficient school, the managers are required to admit to examination, and the inspector to examine for a certificate of proficiency, any child over twelve years, or if the child is to be employed in agriculture under any byelaw made under section 1, Elementary Education (School Attendance) Act, 1893, Amendment Act, 1899, over eleven years of age (*a*), whether a scholar in the school or not, if the child's parent or guardian or the local authority apply for the child to be examined for such a certificate; but the inspector is at liberty to refuse to examine any child for whose examination due provision is made elsewhere, or any child who has not been instructed for at least six months in the standard in which he is represented, or who has failed in that standard at an examination held in the previous three months.

6. The inspector may, in concert with the local authority (*b*), hold such special examinations as he may think necessary of children over eleven years of age, whom their parents or guardians or the local authority (*b*) wish to be examined for certificates of proficiency.

7. The inspector does not grant certificates to individual children, but after every examination held as above he sends to the managers of the school, or in the case of a special examination to the local authority (*b*), a schedule containing the names of the children who have passed in all the three elementary subjects in any standard, with a certificate that such children have reached the standards entered opposite to their names.

8. If the local authority (*b*) do not make arrangements to obtain from the managers a copy of so much of this schedule as they require, they may accept a certificate under the hand of the principal teacher of any certified efficient school as evidence that any scholar in such school has been certified by one of Her Majesty's inspectors to have reached a particular standard. The principal teacher shall give such certificate, free of charge, in the form given in the second column of certificate No. 1 in the third schedule to this Order, or, in the case of a child over thirteen years of age, in the form given in the fifth schedule to this Order.

(*a*) See p. 42.

(*b*) The local education authority: E. E. Act, 1876, sect. 7, p. 228; E. Act, 1902, Sch. IV., Part II., p. 293, Sch. III. (1), p. 291.

Certificates of School Attendance.

9. Any local authority (*a*), parent, or other person interested in the employment or education of a child over twelve and under fourteen, may require the principal teacher for the time being of any certified efficient school, which such child has attended, to furnish a certificate specifying the number of school attendances made by the child in the school during each year, for which the school registers are preserved.

10. The teacher shall give such certificate in the form annexed to this Order (Schedule VI.), in the first case free of charge, and for a fee not exceeding 1*d.* for each year's attendances in the case of the second or any subsequent certificate, that may be demanded in respect of such child.

11. The school registers of every certified efficient school shall be carefully preserved by the managers. If a school is discontinued, the registers are to be handed over to the local authority (*a*) of the district.

Labour Certificates.

12. Any parent or other person interested in the employment or education of any child may apply to the local authority (*a*) of the district in which the child resides for a labour certificate. The applicant must present to the local authority (*a*) the evidence of age prescribed above; he must further present *either* the certificate of proficiency, *or* that of school attendance prescribed above, and the local authority (*a*), if they are satisfied that the child is qualified for total or partial exemption from school attendance under the byelaws of the district (*b*), or for employment in agriculture under any byelaw made in that behalf, or for employment under the first schedule to the Elementary Education Act, 1876 (*c*), shall furnish the certificate asked for in one of the forms given in the third schedule to this Order, or, in the case of a child over thirteen years of age, in the forms given in the fourth and fifth schedules to this Order.

General.

13. No certificate purporting to be granted under these regulations will be recognised unless given in one of the printed forms annexed to this Order. All these forms shall be kept by every local authority (*a*), from whom they are to be obtained free of charge, except in the cases where any fee is specially allowed.

14. The forms may be procured from the Board of Education *by the local authority* (*a*), who shall supply such number of copies

(*a*) The local education authority: E. E. Act, 1876, sect. 7, p. 228; E. Act, 1902, Sch. IV., Part II., p. 293, Sch. III. (1), p. 291.

(*b*) See pp. 39—42; for "district" now read area for which a local education authority act: E. Act, 1902, Sch. III. (1), p. 291.

(*c*) See p. 40.

as may be necessary to any local committee appointed by them, or to the managers of any certified efficient school in their district.

15. In these regulations—

(a.) The term "local authority" means a school board (*a*), [*or a school attendance committee*)] (Elementary Education Act, 1876, sects. 7 and 33) (*b*).

(b.) [*The term "local committee" means a committee, appointed by a school attendance committee, for a parish or other area in the district of such local authority* (*ibid.*, sect. 32)] (*c*).

(c.) The term "certified efficient school" means a public elementary school, and any elementary school which is certified by the Education Department to be an efficient school, and any workhouse school certified to be efficient by the Local Government Board (*ibid.*, sect. 48) (*d*).

(d.) The term "attendance" means the attendance of a child at a morning or afternoon meeting of a school, during not less than two hours of instruction in secular subjects if in a school or class for elder children, or one hour and a half if in a school or class for infants.

(e.) The term "year" means the civil year.

Workhouse Schools.

16. In the case of workhouse schools, certified to be efficient by the Local Government Board, and in which registers of attendance are duly kept, pursuant to a general order of the said Board:—

(1.) The term "attendance" has the meaning prescribed by the Order of the Local Government Board dated 27th of October, 1877.

(2.) Certificates of school attendance will be granted to the scholars, by one of the principal teachers of the school, or by the clerk, or other officer of the guardians deputed for the purpose.

(3.) Certificates of proficiency will be granted, after examination, by one of the school inspectors of the Local Government Board, and not by Her Majesty's inspectors.

Given under the seal of office of the Board of Education this 23rd day of April, in the year one thousand nine hundred.

(L.S.) G. W. KEKEWICH,
Secretary.

(*a*) Now local education authority: E. E. Act, 1876, sect. 7, p. 228; E. Act, 1902, Sch. IV., Part II., p. 293, Sch. III. (1), p. 291.

(*b*) Sect. 33 of the E. E. Act, 1876, is repealed: E. Act, 1902, Sch. IV., Part II., p. 294.

(*c*) The words in brackets must fall with sect. 32 of the E. E. Act, 1876, which is repealed: E. Act, 1902, Sch. IV., Part II., p. 294.

(*d*) See p. 40.

SCHEDULE I.

[Requisition to Registrars for Certificates of Birth. See now Order of Local Government Board, 23rd December, 1901, p. 594.]

SCHEDULE II.

STATUTORY DECLARATION by PARENT, 44 & 45 Vict. c. 41, s. 68.

I hereby solemnly declare that was born on the day of A.D.

And I make the above declaration conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act, 1835.

Declared before me at in the (*a*) of this day of , 19 . (Signed) , Justice of the Peace for the (*a*) of . } (Signed)

(*a*) County or borough.

Board of Education.
Form 146 (a.).

SCHEDULE III.

(*a*) *School District of*

LABOUR CERTIFICATE, No. 1.

Age and Employment.

I certify that *A.B.*, residing at was on the day of 19 , not less than twelve years of age, having been born on the day of 1 , as appears by the registrar's certificate [*or the statutory declaration*] now produced to me (*b*) and has been shown to the satisfaction of the local authority for this district to be beneficially employed.

(Signed) ,
(*c*) Clerk to the (*d*) for the above district.

Proficiency.

I certify that *A.B.*, residing at has received a certificate from one of Her Majesty's Inspectors of Schools, that he (*or* she) has (*e*) reached the Standard.

(Signed) ,
Principal Teacher of the School.

or (*c*) Clerk to the (*d*) for the above district.

(*a*) For "school district" read "area of the local education authority" of.
(*b*) Strike out what follows if the child is qualified for full time employment.
(*c*) Or other officer of the local education authority.
(*d*) [*School board or school attendance committee.*] Now local education authority.
(*e*) To reach a standard a child must be individually examined in reading, writing, and arithmetic in that or a higher standard, and must pass in each of those subjects.

Board of Education.

(a) *School District of*

Form 146 (b.).

LABOUR CERTIFICATE, No. 2 (for the partial exemption only).

Age and Employment.

I certify that *A.B.*, residing at was on the day of 19 , not less than **twelve** years of age, having been born on the day of 1 , as appears by the registrar's certificate [*or the statutory declaration*] now produced to me, and has been shown to the satisfaction of the local authority for this district to be beneficially employed.

(Signed) ,

(b) Clerk to the (c) for the above district.

Previous attendance.

I certify that *A.B.*, residing at has made 300 attendances in not more than two schools during each year for five preceding years, whether consecutive or not, as shown by the (d) certificate furnished by the Principal Teacher of the (e) School.

(Signed) ,

(b) Clerk to the (c) for the above district.

(a) For "school district" read "area of the local education authority" of.
(b) Or other officer of the local education authority.
(c) [*School board or school attendance committee.*] Now local education authority.
(d) For this certificate see Schedule VI.
(e) Here name school or schools in which the attendances have been made.

Board of Education.

(a) *School District of*

Form 146 (c.).

LABOUR CERTIFICATE, No. 3 (Agriculture).

Age and Employment.

I certify that *A.B.*, residing at was on the day of 19 , not less than **eleven** years of age, having been born on the day of , 1 , as appears by the registrar's certificate [*or the statutory declaration*] now produced to me, and that notice has been given to the local authority for this district that he is to be employed in agriculture.

(Signed)

(b) Clerk to the (c) for the above district.

Proficiency.

I certify that *A.B.*, residing at has received a certificate from one of Her Majesty's Inspectors of Schools, that he (*or* she) has (d) passed the Standard, being that prescribed by the byelaws for partial exemption.

(Signed) ,

Principal Teacher of the School.

or (b) Clerk to the (c) for the above district.

(a) For "school district" read "area of the local education authority" of.
(b) Or other officer of the local education authority.
(c) [*School board or school attendance committee.*] Now local education authority.
(d) To pass a standard a child must be individually examined in reading, writing, and arithmetic in that or a higher standard, and must pass in each of those subjects.

N.B.—This certificate can only be given in school districts where a special "agricultural" byelaw is in force. See pp. 40, 42.

Board of Education.
Form 144 (a.).

SCHEDULE IV.

(The following certificate applied only to cases of children over 13 years of age.)

CERTIFICATE OF AGE FOR THE PURPOSE OF EMPLOYMENT UNDER SECTION 5, ELEMENTARY EDUCATION ACT, 1876.

I certify that *A.B.*, residing at , was on the day of 19 , not less than thirteen years of age, having been born on the day of 1 , as appears by the registrar's certificate [*or the statutory declaration*] now produced to me.

(Signed)

Clerk to the (*a*) of .

(*a*) [*School board or school attendance committee.*] Now local education authority.

Board of Education.
Form 144 (b.).

SCHEDULE V.

(The following certificate applies only to cases of children over 13 years of age.)

CERTIFICATE OF PROFICIENCY FOR THE PURPOSE OF EMPLOYMENT UNDER SECTION 5, ELEMENTARY EDUCATION ACT, 1876.

I hereby certify that *A.B.*, residing at , has received a certificate from , one of Her Majesty's Inspectors of Schools, that he (*or* she) has reached (*a*) the standard of reading, writing, and elementary arithmetic fixed by Standard IV. of the Code of 1876.

(Signed)

Principal Teacher of the School,
or Clerk to the (*b*) .

(*a*) To reach a standard a child must be individually examined in reading, writing, and arithmetic in that or a higher standard, and must pass in each of those subjects.

(*b*) [*School board or school attendance committee.*] Now local education authority.

Board of Education.
Form 144 (c.).

SCHEDULE VI.

CERTIFICATE OF SCHOOL ATTENDANCE FOR THE PURPOSE OF EMPLOYMENT UNDER SECTION 5, ELEMENTARY EDUCATION ACT, 1876, OR FOR PARTIAL EXEMPTION UNDER THE ELEMENTARY EDUCATION (SCHOOL ATTENDANCE) ACT, 1893, AMENDMENT ACT, 1899.

(*a*) School.

I hereby certify that the following particulars with respect to the attendances made by the child named below, at this School, after

(*a*) Enter name in full, and state whether a public elementary, or certified efficient school.

attaining the age of five years, are correctly taken from the registers at the School.

Name in full and Residence of Child.	Number of Attendances made within the 12 months ending the 31st December.
	1
	1
	1
	1
	1

Signed this day of 19 .

Principal Teacher of the above-named School.

(*23rd December*, 1901.)

THE FACTORY AND WORKSHOP ACT, 1901.

PRESCRIBING FORM OF REQUISITION FOR COPY CERTIFICATE OF BIRTH.

To all Superintendent Registrars, and Registrars of Births and Deaths in England and Wales;—

And to all others whom it may concern.

Whereas by section 134 of the Factory and Workshop Act, 1901, it is enacted as follows:—

> "Where the age of any young person under the age of sixteen years or child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the employment in labour or elementary education of the young person or child, any person shall on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Local Government Board, and on payment of a fee of sixpence, be entitled to obtain a certified copy under the hand of a registrar or superintendent registrar of the entry in the register, under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of that young person or child; and such form of requisition shall, on request, be supplied without charge by every superintendent registrar and registrar of births, deaths, and marriages."

Now, therefore, we, the Local Government Board, in pursuance of the powers given to us by the statutes in that behalf, hereby order as follows:—

ARTICLE I.—The requisition to be made to entitle any person to obtain a certified copy of an entry of a registry of birth under

the section above cited shall be in the form set forth in the schedule to this Order.

ARTICLE II.—This Order shall come into operation on the 1st day of January, one thousand nine hundred and two.

SCHEDULE.

THE FACTORY AND WORKSHOP ACT, 1901.

Requisition for a certified copy of an entry of birth for the purposes of the above-mentioned Act, or for any purpose connected with the employment in labour or elementary education of a young person under the age of sixteen years or of a child.

To the Superintendent Registrar of Registrar of Births and Deaths having the custody of the register in which the birth of the under-mentioned young person or child is registered:—

I, the undersigned, hereby demand, for the purposes above-mentioned, or some or one of them, a certificate of the birth of the young person or child named in the subjoined schedule.

Christian Name and Surname of the Young Person or Child of whose Age a Certificate is required.	Names of the Parents of such Young Person or Child.		Where such Young Person or Child was Born.	In what Year such Young Person or Child was Born.
	Father.	Mother.		

Dated this day of , 19 .

Signature .
Address .
Occupation .

Given under the seal of office of the Local Government Board, this 23rd day of December, in the year one thousand nine hundred and one.

(L.S.) CHAS. T. RITCHIE,
One of the Ex-officio Members of the Local Government Board.

H. C. MONRO,
Assistant Secretary.

CROWN OFFICE RULES, 1886.

The following Orders and Rules may be cited as the Crown Office Rules, 1886. They shall come into operation on the 28th day of April, 1886, and shall also apply, so far as may be practicable (unless otherwise expressly provided), to all proceedings taken on or after that day in all matters then pending.

Repeal of existing rules.

1. All existing rules or practice on the Crown side inconsistent with these rules are hereby repealed, and the following rules shall henceforth be in force.

Non-revival of rules.

2. No order or rule annulled by any former order shall be revived by any of these rules, unless expressly so declared, and where no other provision is made by these rules, the present procedure and practice remain in force.

Custody of Records.

Custody of records.

3. The Queen's coroner and attorney, and the Master of the Crown Office, Queen's Bench Division, shall have the care and custody of the records and other proceedings on the Crown side.

Date of Proceedings.

Date.

4. Every order and other proceeding on the Crown side shall be dated of the day of the week, month, and year on which the same was made, unless the Court or a judge shall otherwise direct, and shall take effect accordingly.

Affidavits.

Application of rules.

5. Order XXXVIII. (affidavits) of the Rules of the Supreme Court, 1883, shall, as far as it is applicable, apply to all civil proceedings on the Crown side (*a*).

The following rules shall apply to all proceedings on the Crown side:—

6. Upon any motion or summons evidence may be given by affidavit; but the Court or a judge may, on the application of either party, order the attendance for cross-examination of the person making any such affidavit.

Title.

7. Affidavits used on the Crown side shall be intituled "In the High Court of Justice, Queen's Bench Division."

Contents of affidavits.

8. Affidavits shall be confined to such facts as the witness is able of his own knowledge to prove, except on interlocutory motions, on which statements as to his belief, with the grounds thereof, may be admitted. The costs of every affidavit which shall unnecessarily set forth matters of hearsay, or argumentative

(*a*) Mandamus is a civil proceeding; see R.S.C., Order 68, r. 2. See also p. 603.

matter, or copies of or extracts from documents, shall be paid by the party filing the same.

Before whom sworn.

9. Affidavits sworn in England shall be sworn before a judge, district registrar, commissioner to administer oaths, first or second class clerk in the Crown Office Department, or officer empowered under the Rules of the Supreme Court to administer oaths.

Commissioners to state time and place.

10. Every commissioner to administer oaths shall express the time when, and the place where, he shall take any affidavit or recognizance; otherwise the same shall not be admitted to be filed without the leave of the Court or a judge; and every such commissioner shall express the time when, and the place where, he shall do any other act incident to his office.

Sworn out of England.

11. All affidavits, declarations, affirmations, and attestations of honour in causes or matters depending on the Crown side may be sworn and taken in Scotland or Ireland or the Channel Islands, or in any colony, island, plantation, or place under the dominion of Her Majesty in foreign parts, before any judge, Court, notary public, or person lawfully authorised to administer oaths in such country, colony, island, plantation, or place respectively, or before any of Her Majesty's consuls or vice-consuls in any foreign parts out of Her Majesty's dominions; and the judges and other officers of the High Court shall take judicial notice of the seal or signature, as the case may be, of any such Court, judge, notary public, person, consul, or vice-consul, attached, appended, or subscribed to any such affidavits, affirmations, attestations of honour, declarations, or to any other document.

Form of affidavit.

12. Every affidavit shall be drawn up in the first person, and shall be divided into paragraphs, and every paragraph shall be numbered consecutively, and as nearly as may be shall be confined to a distinct portion of the subject. Every affidavit shall be written or printed bookwise. No costs shall be allowed for any affidavit or part of an affidavit substantially departing from this rule.

Description and abode of deponent.

13. Every affidavit shall state the description and true place of abode of the deponent.

Several deponents.

14. In every affidavit made by two or more deponents the names of the several persons making the affidavit shall be inserted in the jurat, except that if the affidavit of all the deponents is taken at one time by the same officer it shall be sufficient to state that it was sworn by both (or all) of the "above-named" deponents.

Filing.

15. Every affidavit used on the Crown side shall be filed in the Crown Office Department of the Central Office. There shall be indorsed on every affidavit a note showing on whose behalf it is filed, and no affidavit shall be filed or used without such note, unless the Court or a judge shall otherwise direct.

Scandalous matter.

16. The Court or a judge may order to be struck out from any affidavit any matter which is scandalous, and may order the costs

of any application to strike out such matter to be paid as between solicitor and client.

Alterations or interlineations in jurat.

17. No affidavit having in the jurat or body thereof any interlineation, alteration, or erasure shall without leave of the Court or a judge be read or made use of in any matter depending in court unless the interlineation or alteration (other than by erasure) is authenticated by the initials of the officer taking the affidavit, or if taken at the Crown Office Department, either by his initials or by the stamp of that office, nor in the case of an erasure, unless the words or figures appearing at the time of taking the affidavit to be written on the erasure are re-written and signed or initialled in the margin of the affidavit by the officer taking it.

Illiterate or blind deponent.

18. Where an affidavit is sworn by any person who appears to the officer taking the affidavit to be illiterate or blind, the officer shall certify in the jurat that the affidavit was read in his presence to the deponent, that the deponent seemed perfectly to understand it, and that the deponent made his signature in the presence of the officer. No such affidavit shall be used in evidence in the absence of this certificate, unless the Court or a judge is otherwise satisfied that the affidavit was read over to and appeared to be perfectly understood by the deponent.

Reception of affidavit notwithstanding defect.

19. The Court or a judge may receive any affidavit sworn for the purpose of being used in any cause or matter, notwithstanding any defect by misdescription of parties or otherwise in the title or jurat, or any other irregularity in the form thereof, and may direct a memorandum to be made on the document that it has been so received.

Stamping and use of office copies.

20. In cases in which by the present practice an original affidavit is allowed to be used, it shall before it is used be stamped with a proper filing stamp, and shall at the time when it is used be delivered to and be left with the proper officer in court or in chambers, who shall send it to be filed. An office copy of an affidavit may in all cases in which a copy is admissible be used, the original affidavit having been previously filed, and the copy duly authenticated with the seal of the office.

Not to be sworn before solicitor for the party;

21. No affidavit shall be sufficient if sworn before the solicitor acting for the party on whose behalf the affidavit is to be used, or before any agent or correspondent of such solicitor, or before the party himself.

or before partner or clerk.

22. Any affidavit which would be insufficient if sworn before the solicitor himself shall be insufficient if sworn before his clerk or partner.

When not filed in specified time

23. Where a special time is limited for filing affidavits, no affidavit filed after that time shall be used, unless by leave of the Court or a judge.

affidavit to be sworn before applications.

24. Except by leave of the Court or a judge no order made ex parte in court founded on any affidavit shall be of any force,

unless the affidavit on which the application was made was actually made before the order was applied for, and produced or filed at the time of making the motion.

Affidavits in answer.

25. Upon motions founded upon affidavits, either party may apply to the Court or a judge for leave to make additional affidavits upon any new matter arising out of the affidavits of the opposite party; but no additional affidavits shall be used except such leave shall have been first obtained.

Office copies to be taken before showing cause.

26. No person shall be allowed to show cause against an order nisi, unless he shall have previously obtained office copies of such order and of the affidavits upon which it was granted.

Affidavit of service.

27. Affidavits of service shall state when, where, and how and by whom, such service was effected.

CERTIORARI.

Motion for certiorari.

28. Every application for a writ of certiorari, or for an order to remove an indictment found at the assizes into the Queen's Bench Division, at the instance of any person other than the Attorney-General on behalf of the Crown, shall, during the sittings, be made to a Divisional Court of the said Division by motion for an order nisi to show cause, and in the vacation or when there is no sitting of a Divisional Court to a judge at chambers for a summons to show cause; Provided that where, from special circumstances, the Court or a judge may be of opinion that the writ should issue forthwith, the order may be made absolute, or an order be made in the first instance, either ex parte or otherwise, as the Court or Judge may direct.

Grounds for removal of indictment.

29. No indictment, except indictments against bodies corporate not authorised to appear by solicitor in the court in which the indictment is preferred, shall be removed into the Queen's Bench Division either at the instance of the prosecutor or of the defendant (other than the Attorney-General acting on behalf of the Crown), unless it be made to appear to the Court or a judge by the party applying that a fair and impartial trial of the case cannot be had in the court below, or that some question of law of more than usual difficulty and importance is likely to arise upon the trial, or that a view of the premises in respect whereof any indictment is preferred, or a special jury, may be required for a satisfactory trial of the same.

Recognizance on removal of indictment.

30. No writ of certiorari for the removal of an indictment, or order to remove an indictment found at the assizes, shall be allowed by the Court to whom it may be directed, unless the person (other than the Attorney-General acting on behalf of the Crown and the prosecutor of an indictment against a body corporate) at whose instance it has been issued shall have entered into a recognizance by himself, if he is the prosecutor, with sufficient sureties,

conditioned on the return of such writ to make up the record, and give notice of trial and proceed to trial of the indictment at the next assizes to be held for the county wherein the indictment was found, or if in London or Middlesex forthwith at the sittings of the High Court of Justice, and to pay the costs of the defendant subsequent to the removal of the indictment, if he be acquitted; and if the party removing is the defendant, until he shall have entered into a recognizance with sufficient sureties conditioned to appear and plead (and in cases of felony in open court) to the said indictment, and give notice of trial, and proceed to trial of the indictment at the next assizes to be held for the county wherein the indictment was found, or if in London or Middlesex forthwith at the sittings of the High Court of Justice, and personally to appear from day to day at the trial of such indictment, and if necessary in the Queen's Bench Division of the High Court of Justice, and not depart till he shall be discharged by the Court, and to pay the costs of the prosecution subsequent to the removal of the indictment, if the defendant or any of the defendants if more than one be convicted.

Certiorari not to be allowed in default of recognizance.

31. If the person at whose instance any writ of certiorari for the removal of an indictment, or order to remove an indictment found at the assizes, shall have been awarded, shall not before the allowance thereof enter into a properly conditioned recognizance, the Court to which such writ or order may be directed shall proceed to the trial of the indictment, as if such writ or order had not been awarded.

Recognizance to be returned with writ.

32. All recognizances to be entered into for the allowance of any writ of certiorari, or order to remove an indictment found at the assizes, or any writ of certiorari for the removal of any order, conviction, inquisition, or other proceeding removed thereby, shall be certified into the Queen's Bench Division with the writ of certiorari or order of removal.

Time in which application for certiorari for order of sessions, &c., to be made.

33. No writ of certiorari shall be granted, issued, or allowed to remove any judgment, order, conviction, or other proceeding had or made by or before any justice or justices of the peace of any county, city, borough, town corporate, or liberty, or the respective general or quarter sessions thereof, unless such writ of certiorari be applied for within six calendar months next after such judgment, order, conviction, or other proceeding shall be so had or made, and unless it be proved by affidavit that the party suing forth the same has given six days' notice thereof in writing to the justice or justices, or to two of them, if more than one, by and before whom such judgment, order, conviction, or other proceedings shall be so had or made, in order that such justice or justices, or the parties therein concerned, may show cause, if he or they shall so think fit, against the granting, issuing, or allowing such writ of certiorari.

Notice.

Time for filing special case from sessions.

84. No special case stated by a Court of general or quarter sessions for obtaining the judgment or determination of the High Court upon any order or other determination of a Court of general or quarter sessions shall be filed at the Crown Office Department after the expiration of six calendar months from the making of such order or determination, except by leave of the Court on special circumstances being shown, either before or after the expiration of such six months.

Copy of commitment, &c., to be verified by affidavit.

85. No order for the issuing of a writ of certiorari to remove any order, conviction, or inquisition, or record, or writ of habeas corpus ad subjiciendum shall be granted where the validity of any warrant, commitment, order, conviction, inquisition, or record shall be questioned, unless at the time of moving a copy of any such warrant, commitment, order, conviction, inquisition, or record, verified by affidavit, be produced and handed to the officer of the Court before the motion be made, or the absence thereof accounted for to the satisfaction of the Court.

Recognizance upon removal of orders of sessions, &c.

86. No writ of certiorari shall be allowed to remove any judgment, order, or conviction given or made by justices, unless the party (other than the Attorney-General acting on behalf of the Crown) prosecuting such certiorari, before the allowance thereof, shall enter into a recognizance with sufficient sureties before one or more justices of the county or place or at their general or quarter sessions, where such judgment or order shall have been given or made, or before any judge of the High Court in the sum of 50*l.*, with condition to prosecute the same at his own costs and charges with effect, without any wilful or affected delay, and to pay the party in whose favour or for whose benefit such judgment, order, or conviction shall have been given or made, within one month after the said judgment, order, or conviction shall be confirmed, his full costs and charges, to be taxed according to the course of the court where such judgment, order, or conviction shall be confirmed, and in case the party prosecuting such certiorari, shall not enter into such recognizance, or shall not perform the conditions aforesaid, it shall be lawful for the said justices to proceed and make such further order for the benefit of the party for whom such judgment shall be given, in such manner as if no certiorari had been granted.

Order, &c., may be quashed on application for certiorari.

87. When cause is shown against an order nisi for a certiorari to remove any judgment order or conviction upon which no special case has been stated, given, or made by justices of the peace for the purpose of quashing such judgment, order, or conviction, the Divisional Court, if it shall think fit, may make it a part of the order absolute for the certiorari that the judgment, order, or conviction shall be quashed on return without further order, and in such case no such recognizance as is required by Rule 86 shall be necessary, and a memorandum to that effect shall be

endorsed by the proper officer upon the issuing of the writ of certiorari.

Recognizance upon special case from sessions.

38. No special case stated upon any order, or other determination of a Court of general or quarter sessions shall be filed at the Crown Office Department, unless the party proceeding upon such special case shall enter into a recognizance as provided by Rule 36, and in default thereof the justices may proceed as in that rule provided.

Condition of recognizance in civil proceedings.

39. In all civil causes or matters, which shall have been removed by certiorari, or in respect of which a special case shall have been stated, the recognizance shall be conditioned as regards costs to pay such costs, if any, as the Court shall order.

Order for certiorari to state objections.

40. No objection on account of any omission or mistake in any judgment or order of any justice of the peace, Court of summary jurisdiction, or Court of general or quarter sessions, brought up upon a return to a writ of certiorari and filed at the Crown Office Department, shall be allowed, unless such omission or mistake shall have been specified in the order for issuing such certiorari.

Venue for trial to be stated in writ of certiorari.

41. Every writ of certiorari for removing an indictment from the Central Criminal Court shall specify the county or jurisdiction in which the same shall be tried, and a jury shall be summoned and the trial proceed in the same manner in all respects as if the indictment had been originally preferred in that county or jurisdiction.

Application to remove indictments into Central Criminal Court.

42. An application for an order that an indictment or inquisition removed into the Queen's Bench Division shall be tried at the Central Criminal Court, or a motion to remove an indictment or inquisition by certiorari into the Central Criminal Court for trial under 19 Vict. c. 16, shall, during the sittings, be made to the Queen's Bench Division by motion for an order nisi; and in the vacation, when there is no sitting of a Divisional Court, to a judge at chambers for a summons; and the order may be made absolute or granted upon such terms as to recognizance or otherwise as the Court or judge may consider reasonable.

MANDAMUS.

How application made.

60. Application for a prerogative writ of mandamus shall, during the sittings, be made to a Divisional Court of the Queen's Bench Division by motion for an order nisi; and in the vacation to a judge in chambers for a summons to show cause, upon its being shown to the satisfaction of such judge that the matter is urgent. Provided that this rule shall not apply to any application for a writ of mandamus under 45 & 46 Vict. c. 50, s. 225.

Notice to persons interested.

61. Notice shall be given by the order nisi for a mandamus to every person who by the affidavits on which the order is moved

shall appear to be interested in or likely to be affected by the proceedings, and to any person who in the opinion of the Court or judge ought to have such notice.

Service of order nisi.

62. The order nisi shall be served upon each person to whom notice is given by the order, as well as the party whom the order requires to show cause.

Persons affected may show cause.

63. Any person, whether he has had notice or not, who can make it appear to the Court or judge that he is affected by the proceeding for a writ of mandamus may show cause against the order nisi or summons, and shall be liable to costs in the discretion of the Court or a judge if the order should be made absolute or the prosecutor obtain judgment.

Service of order absolute.

64. The order absolute for a mandamus need not be served, but the cost of service of the order absolute may be allowed in the discretion of the taxing officer, where the writ is not issued.

Service of writ.

65. If the writ of mandamus is directed to one person only the original must be personally served upon such person, but if the writ be directed to more than one, the original shall be shown to each one at the time of service, and a copy served on all but one, and the original delivered to such one.

On companies and other public bodies.

66. When a writ of mandamus is directed to companies, corporations, justices, or public bodies, service shall be made upon such and so many persons as are competent to do the act required to be done, the original being delivered to one of such persons, except where by statute service on the clerk or some other officer is made sufficient service.

Peremptory writ in first instance.

67. The Court or a judge may, if they or he shall think fit, order that any writ of mandamus shall be peremptory in the first instance.

Date, test, form, and return of writ.

68. Every writ of mandamus shall bear date on the day when it is issued, and shall be tested in the name of the Lord Chief Justice of England. The writ may be made returnable forthwith, or time may be allowed to return it, either with or without terms, as the Court thinks fit. A writ of mandamus shall be in the form in the Appendix No. 37, with such variations as circumstances may require.

Return.

69. Any person by law compellable to make any return to a writ of mandamus shall make his return to the first writ.

Question of law.

70. Where a point of law is raised in answer to a return or any other pleading in mandamus, and there is no issue of fact to be decided, the Court shall, on the argument of the point of law, give judgment for the successful party, without any motion for judgment being made or required.

Peremptory mandamus.

71. Where under Rules 70 and 136 the applicant obtains judgment he shall be entitled forthwith to a peremptory writ of mandamus to enforce the command contained in the original writ, and the judgment shall direct that a peremptory writ do issue.

No action to lie for anything done in obedience to writ.

72. No action or proceeding shall be commenced or prosecuted against any person in respect of anything done in obedience to a writ of mandamus issued by the Supreme Court or any judge thereof.

Return by third party really interested.

73. When it appears to the Court that the respondent claims no right or interest in the subject-matter of the application, or that his functions are merely ministerial, the return to the writ, and all subsequent proceedings down to judgment, shall still be made and proceed in the name of the person to whom the writ is directed, and if the Court thinks fit so to order, may be expressed to be made on behalf of the persons really interested therein. In that case the persons interested shall be permitted to frame the return and conduct the subsequent proceedings at their own expense; and if judgment is given for or against the applicant it shall likewise be given for or against the persons on whose behalf the return is expressed to be made; and if judgment is given for them, they shall have the same remedies for enforcing it as the person to whom the writ is directed would have in other cases.

Proceedings not to abate by death, &c.

74. Where, under the last preceding rule, the return to a writ of mandamus is expressed to be made on behalf of some person other than the person to whom the writ is directed, the proceedings on the writ shall not abate by reason of the death, resignation, or removal from office of that person, but they may be continued and carried on in his name; and if a peremptory writ is awarded, it shall be directed to the successor in office or right of that person.

Application of Order LVII.

75. In any case of mandamus, in which a proceeding by way of interpleader may be proper, the provisions of Order LVII. of the Rules of the Supreme Court, 1883 (Interpleader), shall be applicable, so far as the nature of the case will admit.

Affidavit of prosecutor.

76. No order for the issuing of any writ of mandamus shall be granted, unless at the time of moving an affidavit (*a*) be produced by which some person shall depose upon oath that such motion is made at his instance as prosecutor, and if the writ be granted the name of such person shall be endorsed on the writ as the person at whose instance it is granted.

When application for costs to be made.

77. Every application for the costs of a mandamus shall, unless the Court or a judge shall otherwise order, be made before the fifth day of the sittings next after that in which the right to make such application accrued, and shall be upon notice of motion to be served eight days before the day named therein for moving.

Notice for production of affidavit on motion for

78. The party moving for costs shall leave at the Crown Office Department a notice for the production in court of all the affidavits filed in support of, and in opposition to, the original order.

Time for moving for

79. Every application for a writ of mandamus to justices to enter continuances and hear an appeal shall be made within two

(*a*) For Regulations as to Affidavits see p. 596.

calendar months after the first day of the sessions at which the refusal to hear took place, unless further time be allowed by the Court or a judge, or unless special circumstances appear by affidavit to account for the delay to the satisfaction of the Court. mandamus to hear appeal.

* * * * * *

Pleadings in Mandamus.

136. When any return is made to the first writ of mandamus, the applicant may plead to the return within such time and in like manner as if the return were a statement of defence delivered in an action; and subject to these rules this pleading and all subsequent proceedings, including pleadings, trial, judgment, and execution, shall proceed and may be had and taken as if in an action. Pleadings and subsequent proceedings in mandamus.

REGULATIONS FOR EVENING SCHOOLS.

(From August 1st, 1902, to July 31st, 1903.)

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MEMORANDUM

These regulations for evening schools supersede those contained in Directory 1901—1902, and in the Minute of July 3rd, 1901.

Copies of any of the forms relating to evening schools will be supplied on application, personally, or by letter addressed to the Secretary, Board of Education, South Kensington, London, S.W.

Official communications should be written upon foolscap paper and sent in envelopes addressed to the Secretary, Board of Education, South Kensington, London, S.W. The postage need not be prepaid, and it is particularly requested that post cards and correspondence cards may not be used.

Telegraphic Address: "Secondary Education, London."

Parliamentary grant.

I. The sum granted by Parliament for evening schools will be administered by the Board of Education under the following regulations.

Conditions of grant.

II. An evening school must be efficient and necessary for the circumstances of the locality; must not compete unduly with a neighbouring school; and from its character and financial position must be eligible to receive aid from public funds. It must be open at all times to the inspection of the officers of the Board.

III. It shall not be required, as a condition of any student being admitted into or continuing in the school, that he shall attend or abstain from attending any Sunday school or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere. The times (if any) during which any religious observance is practised, or instruction in religious subjects is given at any meeting of the school, shall be at the beginning or end of such meeting, and shall be inserted in a time-table to be approved by the Board of Education. Religious instruction.

IV. If any of the conditions on which the grant is awarded are not fulfilled, or if the instruction or management is inefficient, the Board may withhold the grant, or, if they think fit, pay the grant with or without deductions, warning the managers that a grant will not again be paid under similar circumstances. Grants may be refused on students in any course whom the inspector reports as unqualified from want of sufficient preliminary training, or other cause, to take advantage of the instruction given in it. Revision of grant.

V. Grants are intended to supplement and not to supersede local effort, and must be expended to the satisfaction of the Board. Local support.

The Board consider that at least 25 per cent. of the expenditure of a school should be met by local contributions, such as fees, subscriptions, grants from the local authority, or endowments.

VI. Every school must be under the superintendence of a body of managers responsible to the Board. It must not be conducted for private profit or farmed out to the teacher; and no student may be refused admission on other than reasonable grounds. The managers must appoint a person to act as correspondent with the Board. Management.

The courses of instruction and the school fees must be suitable to the circumstances of the locality, and be approved by the Board.

The Board will not in general recognise schools in which no fees are charged, but they will be prepared, in certain cases, to approve the remission of fees to individual students.

A full account of the income and expenditure of all schools must be furnished annually to the Board. Application of income.

Schools managed by a public company, in the articles of association of which provision is made that no dividend shall be paid exceeding 5 per cent. per annum, are not considered as conducted for private profit, provided they show that the capital is not nominal, but has absolutely been expended in buildings or maintenance.

Teachers, pupil teachers, and holders of scholarships, exhibitions, and studentships, may be exempted from the payment of school fees.

VII. The council of any county or county borough or its technical instruction committee may notify its willingness to be responsible, within its area, to the Board for instruction in schools aided by grants under these regulations. Local authorities as managers.

In such case managers of existing schools may continue to receive

grants in respect of their present curriculum, but promoters of new schools, or managers wishing to change the character of their present curriculum, will in general be required, as a condition of grants, to act in unison with the council or its committee.

Premises and equipment.

VIII. The premises must be sanitary, convenient for teaching purposes, adapted to the circumstances of the school, and provided with satisfactory equipment and appliances.

Qualifications of teachers.

IX. The teaching staff must be sufficient. The teachers must, as a rule, be paid fixed salaries. They must possess such qualifications as may be required by the Board, and their employment at other times must not be such as will prevent the efficient discharge of their duties at the school. For qualifications see Supplementary Regulations.

Instruction.

X. Arrangements should be made, so far as practicable, to provide for a progressive course or courses of instruction for students attending in successive school years. Syllabuses of subjects in which the Board hold examinations, and specimen syllabuses of instruction in certain other subjects, are given in the Supplementary Regulations. Managers of schools who wish to adopt any other syllabus must submit it to the Board for their approval.

Duration of school year.

XI. The school year will, in general, be held to begin on the 1st August and to terminate on the following 31st July.

A school will not, as a rule, be placed upon the list of recognised schools except upon an application made to the Board (on the prescribed form) before the 1st October in each year, but applications for the recognition of short courses in special subjects may be accepted at a later date, provided they are received not later than one month before the course begins.

Time table.

XII. The time table must be submitted to the inspector in duplicate at the beginning of the school year. The time table must show the several subjects (*a*) in which instruction is given, and the time allotted to each subject. At least one week's previous notice of any alteration in the time table affecting the days or hours of meeting or of a holiday or temporary closure of the school must be given to the inspector. The managers must also give a clear fortnight's notice to the inspector of the date at which the school will close for the school year.

A deduction from the grant not exceeding 1*l.* may be made if the inspector finds the school closed at a time when the time table provides for instruction being given.

Meetings.

XIII. The instruction in the school must begin after 4 p.m., or on Saturdays after 1 p.m.

In special circumstances instruction may be given at an earlier hour with the previous sanction of the Board.

No course in any subject will be recognised which provides for less than 20 hours of instruction.

(*a*) As a rule every school must give instruction in at least two subjects.

No meeting of the school is reckoned at which less than one hour's instruction has been given in subjects sanctioned by the Board.

For the minimum length of lessons, see § XX.

Record of students and attendance registers.

XIV. Managers must keep a record of the students who join the school. They are responsible for the accuracy of the registration of the attendance of all students who receive instruction.

For detailed rules, see Supplementary Regulations.

Persons excluded from registration.

XV. No student may be registered (1) who is under twelve years of age, or (2) whose name is on the register for day attendance at any school under Government inspection.

Exception.—Students, whose only registration for day attendance is at a school of art or its branches, are exempted from the operation of this latter restriction. This exemption may, with the special sanction of the Board, be extended to students whose only registration for day attendance is at an efficient art class.

No student's attendance in any course may be counted unless he has received at least fourteen hours of instruction in that course.

Not more than 160 hours of instruction in a school may be counted for any student in one year.

Carrying forward of students' attendances and class meetings.

Where students of a school become eligible for registration too late to receive fourteen hours instruction in any subject before the end of the school year, the Board may allow the attendances of such students to be carried forward to the following school year, provided that no grant will be made in respect of a student who receives in all less than fourteen hours instruction in that subject.

Where it is necessary on educational grounds to hold some of the meetings of a class before, as well as after, the 31st July in any year, the Board may allow the meetings of such a class to be carried forward to the following school year, provided that no grant will be made in respect of any subject in which less than twenty hours of instruction in all has been given.

Visits of inspectors.

XVI. The inspectors of the Board will from time to time visit the schools and report on the sufficiency, condition, and suitability, of the premises and fittings; the sufficiency of the apparatus and equipment; the curriculum; the character and quality of the instruction; the sufficiency of the teaching staff for the number of students under instruction; the progress of the students, which they may test in such manner as may be necessary; the constitution and working of the managing body; and the manner in which the Board's regulations are carried out.

A meeting of the managers, for which sufficient notice will be given, must, if required, be held when the school is inspected.

Where the school is under the management of an authority acting under § VII. the inspector may convene a meeting of the local managers.

The inspectors may require the production of the accounts and of

any other necessary papers to enable them to verify the income and expenditure in respect of the school.

Examinations. XVII. Examinations are held by the Board under conditions which are stated in the Supplementary Regulations.

Payments. XVIII. Payments are made on the attendance of students at instruction (*a*). For rules governing the rate of the payments, see § XX.

Certificates required from the managers. The payments are made when the prescribed conditions have been complied with. The managers must certify that these conditions have been fulfilled.

In case a school is compulsorily closed by order of a proper authority a special grant may be made.

Assessment of efficiency of class. XIX. The rates payable under § XX. will be determined by the Board upon (a) the inspector's report; (b) the past record of the school, and, in certain cases, (c) the success of the students at the examinations.

Subjects and grants. XX. Subject to the foregoing conditions the grant will be calculated by adding together the number of hours of instruction in a subject received by registered students, and each complete twenty hours will be paid for at the rates following:—

(I.) LITERARY AND COMMERCIAL.

Reading, writing, and arithmetic—either taken separately or in any combination.
Knowledge of common things, or Nature knowledge.
Elementary Drawing.
English.
Latin.
Life and duties of a citizen.
Commercial correspondence and office routine.
Book-keeping.
Shorthand.
Needlework.
Vocal Music.
*Geography and History—either taken separately or together.
*Economics.
*Mercantile Law and Practice.
*French.
*German.
*Any other modern language.

The rate of grants payable will, as a rule, be from 2*s.* 6*d.* to 3*s.* 6*d.*

In schools in which advanced instruction is efficiently given, by teachers recognised as qualified by the Board, in the subjects marked with an asterisk, and in which the syllabus followed is one of the specimen advanced syllabuses given in the Supplementary

(*a*) In certain cases payments are made on the results of examination.

Regulations, or a corresponding syllabus specially approved for the purpose by the Board, grants up to 5*s.* may be awarded.

No lesson of less than one complete half-hour will be allowed to count as instruction in the above subjects.

(II.) Art.

The ordinary rate of grants will be from 2*s.* 6*d.* to 3*s.* 6*d.*

This rate may, however, be increased up to 15*s.* according to the efficiency of the instruction and equipment, the qualifications of the teachers, and the work submitted for the national competition. (See Supplementary Regulations.)

The hours of a student's instruction between 60 and 160 will be paid upon at the ordinary rate.

No lesson of less than one hour will be allowed to count as instruction in art.

(III.) Manual Instruction.

Wood-work.
Metal-work.

The rate of grants payable will, as a rule, be from 2*s.* 6*d.* to 3*s.* 6*d.*

When there is adequate equipment in the case of wood-work the rate may be increased up to 4*s.*, and in the case of metal-work up to 5*s.*

No lesson of less than one hour will be allowed to count as instruction in the above subjects.

(IV.) Mathematics and Science.

Any generalised or special branch of science will be accepted, if a suitable syllabus is submitted.

(For list of subjects in which the Board hold examinations, see Supplementary Regulations.)

Well-appointed schools may submit schemes and time-tables for grouping together cognate science and art subjects. This grouping will only be permitted where the students are actually in training for a trade or craft under some recognised educational authority, and when the subjects selected for grouping together are those necessary for the instruction in the principles underlying such trade or craft. The time to be given to instruction in each subject of the proposed group must be clearly indicated in the scheme submitted for approval. Where an advanced course is proposed, the instruction in it must, as a rule, be confined to a smaller number of subjects than that which is suitable for the elementary course. Grouped subjects.

The ordinary rate of grants payable will be from 2*s.* 6*d.* to 3*s.* 6*d.*

This rate may be increased for elementary work up to 8*s.* 6*d.*, and for advanced work (including honours, Part I. of the syllabus on which examinations are held) up to 20*s.* according to the

efficiency of the instruction and equipment, the experimental illustration of the teaching, and the qualifications of the teacher.

For systematic practical instruction given under the same conditions, and in lessons of not less than one hour and a half in an approved laboratory, grants up to 13*s.* and 25*s.* respectively may be awarded.

Successes in examinations in the advanced stage or in honours Part I. will be taken into consideration in assessing the rate.

The hours of a student's instruction between 120 and 160 will be paid upon at the minimum rate.

The works submitted for the national competition by the students in classes in Science Subjects II., III., and IV., may be taken into account in assessing the rates of grant for attendances in such classes.

No lesson of less than forty minutes will be allowed to count as instruction in the theory, or of less than one and a half hours in the practical work of the above subjects.

(V.) Home Occupations and Industries.

Domestic economy.
Cookery.
Dressmaking and cutting out.
Laundry-work.
Dairy-work.
Gardening.
Cottage industries.
Ambulance.
Home nursing.

The rate of grants payable will, as a rule, be from 2*s.* 6*d.* to 3*s.* 6*d.*

When practical work is satisfactorily carried out in subjects which involve exceptional expenditure for materials and appliances, grants up to 5*s.* 6*d.* may be made.

No lesson of less than one hour will be allowed to count as instruction in the above subjects.

Note.—Subjects other than those given in the different divisions may be approved should the Board consider them to be of educational value and suited to the needs of the locality.

Scale of payments on results.

XXI. The following payments are made on the results of examination of students who have received during the school year at least twenty registered lessons of an hour's duration in a theoretical subject or of an hour and a half's duration in a practical subject.

Science.

(a.) For honours, Part II., of the syllabus on which examinations are held, where the subject is divided into parts, and where the

qualifying examination in Part I. has been passed, for a first or second class 6*l.* and 3*l.* respectively. For honours where the subject is not divided into parts the payment for a success will be 6*l.*

(b.) Payments on account of a student's success in any subject will be reduced by the amount previously paid for success in that subject.

(c.) No payment on results is made in honours unless the student has already been registered for at least one school year in the subject in a science school in connexion with the Board.

Art. (a.) 3*l.*, 2*l.*, and 1*l.* for an excellent, first class, or second class respectively in drawing and modelling from the life and architectural design.

(b.) 6*l.* and 3*l.* for a first or second class respectively in honours.

(c.) If the student, on account of whom payment under (a.) and (b.) is claimed, has been previously successful in the same subject, or in a corresponding subject, the payment on his account will be reduced by the payment which would be claimable on such previous success; but when such previous success has been obtained in a school or class under the same managers, and has not been paid upon, the Board may allow the full claim. Payments for not more than three successes, whether in honours or in drawing from life or modelling from life or architectural design, will be allowed for the same student in the same year.

XXII. Rewards to students consist of certificates, prizes, medals, and scholarships and exhibitions. (See Supplementary Regulations.)

REGULATIONS FOR SECONDARY DAY SCHOOLS.

(From 1st August, 1902, to 31st July, 1903.)

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MEMORANDUM.

These regulations for secondary day schools supersede those contained in the Directory, 1901—1902.

Particulars and syllabuses of the subjects of science referred to in the regulations will be found in the supplementary regulations.

Copies of any of the forms relating to such schools will be supplied on application, personally, or by letter, addressed to the Secretary, Board of Education, South Kensington, London, S.W.

Official communications should be written upon foolscap paper and sent in envelopes addressed to the Secretary, Board of Education, South Kensington, London, S.W. The postage need not be prepaid, and it is particularly requested that post cards and correspondence cards may not be used.

Telegraphic Address: "Secondary Education, London."

Parliamentary grant.

I. The sum granted by Parliament for secondary day schools will be administered by the Board of Education under the following regulations.

Conditions of grant.

II. A school or class must be efficient and necessary for the circumstances of the locality; must not compete unduly with a neighbouring school; and from its character and financial position must be eligible to receive aid from public funds.

III. It must be open at all times to the inspection of the officers of the Board.

Revision of grant.

IV. If any of the conditions on which the grant is awarded are not fulfilled, or if the instruction or management is inefficient, the Board may withhold the grant, or, if they think fit, pay the grant with or without deductions, warning the managers that a grant will not again be paid under similar circumstances. Grants may be refused on students in any course whom the inspector reports as unqualified from want of sufficient preliminary training, or other cause, to take advantage of the instruction given in it.

Local support.

V. Grants are intended to supplement and not to supersede local effort, and must be expended to the satisfaction of the Board.

The Board consider that at least 25 per cent. of the expenditure of a school should be met by local contribution, such as fees, subscriptions, grants from the local authority, or endowments.

Management.

VI. Every school must be under the superintendence of a body of managers responsible to the Board, and the courses of instruction must be approved by the Board. The managers must appoint a person to act as correspondent with the Board.

Application of income.

A full account of the income and expenditure of all schools must be furnished annually to the Board.

Local authorities as managers.

VII. In counties and county boroughs which possess an organisation for the promotion of secondary education, such organisation, if recognised by the Board, may notify its willingness to be responsible, within its area, to the Board for instruction in schools aided by grants under these regulations. In such case grants will, in general, be made to the managers of new schools only if they are acting in unison with such organisation. The rights of managers of existing schools will not be interfered with.

Premises and equipment.

VIII. The premises must be sanitary, convenient for teaching purposes, adapted to the circumstances of the school, and provided with satisfactory equipment and appliances.

Qualifications of teachers.

IX. The teaching staff must be sufficient. The teachers must, as a rule, be paid fixed salaries. They must possess such qualifications as may be required by the Board (*a*), and their employment at other times must not be such as will prevent the efficient

(*a*) Inclusion of the teacher's name in column B. of the official register of teachers will be accepted.

discharge of their duties at the school. For qualifications, see Supplementary Regulations.

SCIENCE AND ART DAY CLASSES.

Science and art day classes.

X. The conditions for grants laid down in the regulations for evening schools apply to science and art day classes, with the following modifications:—

(a.) Payments will only be made on account of subjects under Divisions II. and IV. in § XX. of those regulations.

(b.) The rate of grants payable under Division IV. will for elementary work be from 1*s.* 6*d.* to 4*s.* 6*d.*, and for advanced work (including honours, Part I., of the syllabus on which examinations are held) from 1*s.* 6*d.* to 10*s.*

For systematic practical instruction the maxima will be 6*s.* 6*d.* and 12*s.* 6*d.* respectively.

Up to 320 hours of instruction may be counted per student, of which the hours between 240 and 320 will be paid upon at the minimum rate.

Future restrictions.

After the 31st July, 1904, no grants will be paid under this section in respect of instruction given in any school which is eligible for aid under Divisions A. or B. (see below).

SECONDARY DAY SCHOOLS (*a*).—DIVISION A. (*b*).

(Schools formerly called Schools of Science.)

General conditions.

XI. The instruction must be carried on in day classes methodically according to one or other of the courses laid down, or according to a course framed on similar lines which has been specially submitted to and approved by the Board. No school will be recognised unless it has at least twenty qualified students, nor will it continue to be recognised beyond two years after its formation unless it has a fair proportion of students taking the advanced course.

Inspection under Board of Education Act, 1899.

XII. Any school applying for recognition under this division will be deemed to have applied for inspection of the school as a whole under the Board of Education Act, 1899 (see p. 628), as a condition of its acceptance.

XIII. The school must provide a thorough and progressive course in science, together with the subjects of a general education.

Students whom the inspector considers to be unfitted to benefit by the course, and students under twelve years of age, unless specially allowed by the inspector, must be excluded.

(*a*) This term excludes evening schools, but not boarding schools.

(*b*) Schools which desire recognition under this division should apply to the Board of Education, South Kensington, for Form 122.

XIV. A school must possess such properly equipped laboratories as are necessitated by the courses, and they must be available for preparation work by students of the school, beyond the school hours of the time-table. A time-table of the school, framed in accordance with the provisions of this division, must be submitted on Form 122 not later than the first week of each school year. Such time-table must be approved by the Board, and a copy of it conspicuously exhibited in the school, and it must not be modified without notice. Laboratories and time-tables.

XV. The attendance of the students must be recorded on the special attendance register (Form 486*d*), separate copies being kept for each division of the elementary and advanced courses respectively. Not more than two attendances may be registered for any one student on any one day. Registration.

XVI. Not less than thirteen hours per week must be allotted to instruction in the obligatory subjects, of which not more than five hours may be allotted to mathematics. Not less than ten hours must be allotted to the other approved subjects, which must include English subjects and at least one foreign language. Two of these ten hours may be allotted to some form of manual nstruction, and two others of them to mathematics or art. Instruction.

Each lesson in practical work in a subject of science must be of at least one hour and a half's duration, and any other lesson in subjects of science or art must be of at least forty minutes' duration.

Elementary Courses.

XVII. The elementary course may extend over two years, to afford sufficient time for thorough and progressive instruction. Elementary course.

Reasonable latitude will be allowed to the teacher in the preparation of a scheme of instruction, provided it is sound, satisfactory in amount, and makes provision for proper practical work.

GENERAL ELEMENTARY COURSE.

Obligatory Subjects.

1. Mathematics (as in stage 1 of Subject V. or of Subject V. p.).
2. Physics, including the fundamental principles of Mechanics (theoretical and practical).
3. Chemistry (theoretical and practical).
4. Drawing. (Suggestions will be found in the Circular on Primary Drawing issued by the Board.)
5. Practical Geometry.

ALTERNATIVE COURSE FOR GIRLS.

XVIII. In the case of girls, instruction in one of the Biological Subjects XIV., XV., or XVII., may, with the approval of the

Board, be substituted for Physics, and either Elementary Science, including the fundamental principles of Chemistry and Physics, or Hygiene § I. of Subject XXV. for Chemistry. Practical work will be required in each case.

Advanced Courses.

Advanced course.

XIX. On the completion of the elementary course the work of the students should be specialised in one of the following advanced courses. Students should not be admitted to these courses unless they are fully qualified to take advantage of the advanced instruction. When a school wishes to develop art instruction, it should submit a special advanced course, and may at the same time suggest a slight modification of the prescribed elementary course with a view to rendering it a suitable introduction to the advanced teaching.

Stages to be taught.

XX. Where the stage of the subject to be taken is not stated in the advanced courses any stage may be taught; but in those subjects which formed part of the elementary course the advanced stage or honours must be taken.

When a student has received two years' instruction under the Board in Practical Geometry, it ceases to be an obligatory subject so far as that student is concerned, and, in its place, one of the optional subjects may be submitted for approval.

XXI. A special advanced curriculum for those students who have completed one of the advanced courses laid down in the three following sections may be submitted to the Board for approval. It must be in continuation of the advanced course which the student has already followed, but the time devoted to subjects outside that course may be curtailed to six hours per week.

XXII.

A.—PHYSICAL COURSE.

Obligatory Subjects.

Physical course.

1. Mathematics, Subject V., stage 2, 3, or 4, or Subject V. p., advanced stage.
2. Geometry, Subject I., advanced stage.

   The elementary stage may be taken, provided that a fair proportion of the students are instructed in the advanced stage.

3. A general course in Advanced Physics approved by the Board, or

   Sound, Subject VIII*a*., or Light, Subject VIII*b*., or Heat, Subject VIII*c*., or Magnetism and Electricity, Subject IX. } Advanced stage with practical instruction.

4. Inorganic Chemistry, Subject X. (theoretical and practical), advanced stage.

Optional Subjects.

5. Theoretical Mechanics, Subject VI., divisions *a* or *b*.
6. Physiography, Subject XXIII.
7. Organic Chemistry, Subject XI. (theoretical and practical).
8. Art of a more advanced character than that taken in the elementary course.

B.—MECHANICAL COURSE.

Obligatory Subjects.

Mechanical course.

1. Mathematics, Subject V., stage 2, 3, or 4, or Subject V. p., advanced stage.
2. Geometry, Subject I., advanced stage.

The elementary stage may be taken, provided that a fair proportion of the students are instructed in the advanced stage.

3. A general course in Advanced Physics approved by the Board, or

   Heat, Subject VIIIc., or Magnetism and Electricity, Subject IX. } Advanced stage with practical instruction.

4. A general course in Theoretical and Applied Mechanics with practical work, or

   Theoretical Mechanics, Subject VI., divisions *a* and *b*, together with Applied Mechanics, Subject VII., or Steam, Subject XXII.

Practical work must be taken in at least one of the divisions of mechanics.

Optional Subjects.

5. Inorganic Chemistry, Subject X., theoretical and practical, advanced stage.
6. Machine Construction and Drawing, Subject II., or Building Construction, Subject III.
7. Art of a more advanced character than that taken in the elementary course.

C.—BIOLOGICAL COURSE.

Obligatory Subjects.

Biological course.

1. Geometry, Subject I., advanced stage.

The elementary stage may be taken, provided that a fair proportion of the students are instructed in the advanced stage.

2. Physiology, Subject XIV., with practical instruction, or General Biology, Subject XV., with practical instruction.
3. Botany, Subject XVII., with practical instruction.
4. Inorganic Chemistry, Subject X., theoretical and practical, advanced stage.

Optional Subjects.

5. A course in Electricity, of the nature which will be of use in physiological study, with practical instruction.

6. Mathematics, Subject V., stage 2, 3, or 4, or Subject V. p., advanced stage.
7. A general course of Advanced Physics approved by the Board, or

Sound, Subject VIII*a*., or Light, Subject VIII*b*., or Heat, Subject VIII*c*. } Advanced stage with practical instruction.

8. Hygiene, Subject XXV.
9. Art of a more advanced character than that taken in the elementary course.

D.—ALTERNATIVE COURSE FOR GIRLS.

Obligatory Subjects.

Alternative course for girls.

1. Mathematics, Subject V., stage 2, 3, or 4, or Subject V. p., advanced stage.
2. Geometry, Subject I., elementary or advanced stage. (This subject becomes an optional subject where Practical Geometry has been taken in the elementary course.)
3. Hygiene, Subject XXV.
4. Physiology, Subject XIV., or Botany, Subject XVII.
5. Physiography, Subject XXIII.

} With practical instruction in any two of these subjects.

Optional Subject.

6. Art of a more advanced character than that taken in the elementary course.

Any advanced course submitted as an alternative to the above must include Hygiene.

SPECIAL COURSES FOR SCHOOLS IN RURAL DISTRICTS.

Courses in rural districts.

XXIII. The following courses may be adopted by schools in rural districts:—

ELEMENTARY COURSE.

Obligatory Subjects.

1. Mathematics.
2. Elementary Science, including the fundamental principles of Chemistry and Physics (with practical work).
3. Biology or Botany (practical work may be in the farm, field, or garden).
4. Drawing, Modelling, Practical Geometry, or Practical Mathematics.

Manual instruction in its application to workshop and garden must also form part of the course.

ADVANCED COURSE.

Not less than four of the following subjects should be selected to form the course. Subject to the approval of the Board, any

combination of subjects may be chosen which may be suited to the school of the locality:—

1. Agricultural Science and Rural Economy, Subject XXIV. (with practical work).
2. Chemistry applied to Agriculture (with practical work).
3. Botany (with practical work).
4. Biology (with practical work).
5. Physiology (human and animal).
6. Geology (with field work).
7. Zoology.
8. Mechanics (as applied to agricultural processes).
9. Practical Mathematics.
10. Land Surveying.

XXIV.

ALTERNATIVE COURSES FOR GIRLS.

ELEMENTARY COURSE.

Obligatory Subjects.

1. Elementary Mathematics.
2. Physiography.
3. Biology.
4. Botany or Hygiene (obligatory in the second year only).
5. Drawing, Modelling, or Elementary Practical Geometry.

This course is intended to cover two years.

Physics or Chemistry may be substituted for Physiography in the second year.

ADVANCED COURSE.

The advanced stage of at least one subject must be taken.

Obligatory Subjects.

1. Mathematics.
2. Botany or Biology.
3. Hygiene or Physiology.
4. Physiography or Physics or Chemistry.
5. Agricultural Science and Rural Economy (poultry-keeping, dairying, bee-keeping, etc.).

Optional Subjects.

One of any of the above subjects not taken, or either Geology or Zoology, or an approved art subject.

In the courses laid down in this section a minimum of eleven hours weekly must be given to the obligatory subjects. Two hours at least must also be given to manual subjects, such as needlework, cookery, dairy work, or laundry work.

When the minimum is less than thirteen hours, the total grant will be proportionately diminished; thus, for twelve hours the

grant would be diminished to twelve-thirteenths of the total amount. In the elementary course, practical work in at least one of the obligatory subjects, and in the advanced course in at least two subjects, must be taken.

Manual Instruction.

Manual instruction.

XXV. Manual instruction should form part of the elementary course of each student, unless special exemption is given by the Board, and must be given throughout the school for two hours weekly.

(a.) For boys—the manual instruction—

(i.) must be in the use of the ordinary tools used in handicrafts in wood or iron, and must be given in a properly-fitted workshop for at least one hour and a half a week;

(ii.) must be connected with the instruction in drawing, that is to say, the work must be from drawings to scale previously made by the scholars for half an hour a week;

(iii.) may be given by one of the regular teachers of the school or centre at which the manual instruction is given if he is sufficiently qualified; if not, he must be assisted by a skilled artisan, and care must be taken to make such arrangements as will ensure the maintenance of good order and discipline.

(b.) For girls—cookery, laundry work, dairy work, and needlework should be the manual instruction, of which subjects any one or two may be taken.

Grants.

Grants.

XXVI. After a school has been working for five consecutive years as a recognised school of science, or under the provisions of this division, it will receive, if the Board so determine, an annual grant on each student who has made not less than 250 attendances, provided that the inspector reports that the students have received continuous instruction in the approved course throughout the school year.

Such grant will be equivalent to the amount paid per student in the preceding year in the elementary and advanced courses respectively. The annual grant thus calculated will be subject to reassessment as the result of a detailed inspection, which will be held, as a rule, at intervals not exceeding three years.

XXVII. On any reassessment taking place after July 31st, 1904, the provisions as to the rate of grants contained in § XXIX. will apply to all students in the elementary course, and after July 31st, 1906, to all students.

XXVIII. Schools complying with the provisions of this division which were recognised as schools of science before the 31st July, 1902, but which have not been working as such for five consecutive years, will continue to have their grants assessed on the scale and subject to the conditions laid down in the Directory of 1901. Such schools may apply to have their grants assessed under the provisions

of the following section. After such schools have been working for five consecutive years the grants will be as provided for in § XXVI.

After July 31st, 1904, the grants for students in the elementary course will not exceed the rates laid down in the following section.

XXIX. To schools recognised under the provisions of this division after the 31st July, 1902, grants will be paid at the following rates:—

On each student who has not made less than 250 attendances, provided that the inspector reports that the students have received continuous instruction in the approved course throughout the school year:—

In the elementary course from 70*s.* to 120*s.*

In the advanced course from 80*s.* to 180*s.*

These grants will be assessed annually on the reports of the inspectors.

XXX. Students taking the elementary course are not allowed to sit at the May or June science and art examinations. Students taking the advanced course may not sit for elementary stage science and art examinations except for the purpose of competitions for exhibitions and scholarships, in which case special permission must be obtained and the fees for examination must be paid. (See Supplementary Regulations.) Examinations.

XXXI. Grants are not payable for more than four years in all on account of any one student. Limitation grants.

XXXII. The school year terminates on the 31st July unless the Board have sanctioned its termination on the 31st December. Should a school desire to be recognised under this division before the 1st August (or, in the case of a school in which it is proposed that the school year should end on the 31st December, before the 1st January), the Board may allow the attendances made previous to that date to count towards the attendance grant. School year

XXXIII. A student who attends a three or four years' course will be granted a certificate provided that he has obtained a success in the advanced stage, or in honours, of three of the obligatory subjects of his advanced course. This certificate will be issued on application being made by the managers on Form 637, and no other class of certificates will be issued to these schools. Certificates

For the award of this certificate theoretical and practical Inorganic Chemistry count as but one subject, as do the various stages of Mathematics.

SECONDARY DAY SCHOOLS (*a*).—DIVISION B. (*b*).

XXXIV. A school (not being a public elementary school), conducted in the manner prescribed by § VI., may submit a scheme of instruction for a three or four years' course in science for forms in General conditions

(*a*) This term excludes evening schools, but not boarding schools.

(*b*) Schools which desire recognition under this division should apply to the Board of Education, South Kensington, for Form 124.

which the average age of the students is above twelve, and which are reported by the inspector as able to benefit by such instruction, provided that the number of qualified students is not less than twenty.

The time-table of the curriculum of the whole school must be submitted to the Board of Education, showing that in the forms in respect of which grants will be claimed provision is made for not less than nine hours per week of science instruction, including not more than five hours' mathematics, as in Subject V., stages 1, 2, 3. Instruction in science must be both theoretical and practical, the latter being conducted in such laboratories as are reported by the inspector to be suitably equipped for the subjects sanctioned.

The requirements as to registration of students and qualifications of teachers, are those laid down for Division A. The commencement of any school term may be recognised as the commencement of the school year upon the managers making application to the Board at least one month before the date proposed.

Every student must attend all the yearly courses in the prescribed sequence, except that a student whose previous instruction is equivalent to that given in the course laid down for one or more years may, with the approval of the inspector, be placed in the year's course above that to which he is held to have attained.

Grants. XXXV. Grants will be paid to these schools for each student who has made not less than 240 school attendances, provided that the inspector reports that the students have received continuous instruction throughout the school year, at the following rates:

For the first 100 students:

For the 1st and 2nd year's attendance a sum of 50*s*.

For the 3rd and 4th year's attendance a sum of 60*s*.

For students in excess of 100:

For the 1st and 2nd year's attendance a sum of 40*s*.

For the 3rd and 4th year's attendance a sum of 60*s*.

In calculating the payments to schools claiming for students in excess of 100, the numbers in the first 100 on whom the 70*s*. and 50*s*. grants respectively will be paid, will be determined by the proportion that the total number of 1st and 2nd year's students bears to the total number of 3rd and 4th year's students.

Thus in a school of 160 students on whom a grant is claimable and of whom forty are in the 3rd or 4th years, the first 100 payments will be made on seventy-five 1st and 2nd year's students, and twenty-five 3rd and 4th year's students.

From the beginning of the school year 1904–5, 20 per cent. of the students on whom grants are claimable must, as a rule, be 3rd or 4th year's students, and grants for 1st and 2nd year's students combined will not be claimable on more than four times the number of 3rd and 4th year's students combined.

Inspection under Board XXXVI. All schools applying for and receiving recognition under this division will be held to have applied for inspection

under the Board of Education Act, 1899 (see p. 628), and will accordingly be inspected at such periods as the Board shall determine, and the grants may be diminished or withheld should the inspector's report of the general efficiency, and especially that of the science teaching, be unfavourable. The inspection of the science course will not be confined to the periodical inspection above mentioned, and the school must at all times during the hours of instruction be open to the officers of the Board. of Education Act, 1899.

XXXVII. A school recognised under either Division A. or Division B. will not be eligible for grants in respect of its students for any subject in an evening school under the Board, or for any science subject, or in Division A. for any art subject in day classes under the Board, but if recognised in respect of some of its forms under one division may be recognised in respect of other forms under the other division. Restrictions.

SCHOOLS OF ART.

XXXVIII. A school of art is one in which instruction in art is carried on methodically for about forty weeks in the year. General conditions.

The school year will be held to begin on the 1st August and to terminate on the following 31st July. Managers must keep a record of the students who join the school. They are responsible for the accuracy of the registration of the attendance of all students who receive instruction. For detailed rules see Supplementary Regulations.

The work of the school must be carried on under the recognised teachers in day and evening classes. The day classes must meet on at least two days a week for two hours at each meeting, and the evening classes must meet on at least three evenings a week for two hours at each meeting.

There must be a principal teacher holding an art master's certificate (I.). Specially qualified persons may be exceptionally recognised. The qualifications of other teachers must be submitted to the Board for their approval.

In cases of the principal teacher's illness the Board may, under certain conditions, provide a substitute from the Royal College of Art.

The rooms of a school of art must be approved by the Board and must be devoted wholly to art instruction. They should be well lighted for drawing from plants and the life, for painting and for modelling, and suited for elementary and other study and instruction in ornamental and decorative art. The school must be properly equipped for the work included in its curriculum. The managers must submit (on the prescribed form) the time table and teaching staff for approval as soon as possible after the 1st August, and not later than the 1st September.

It is advisable that a curriculum specially adapted to the needs of the locality should be framed and followed.

NOTE.—The Advisory Council for Art have drawn up specimen courses,

which will be found in the Appendix to the Supplementary Regulations, and have indicated in the prospectus of the Royal College of Art suggestions of a manner in which various branches of study and work in art may be co-ordinated.

The council consider that as a rule students at a school of art should have passed through instruction corresponding with that of the primary course in drawing (pencil and brush work) and modelling, and be qualified for work in the secondary (*i.e.*) advanced course, the more efficient students taking work in further special courses (see Appendix to Supplementary Regulations).

Grants.

XXXIX. Schools of art which have been continuously efficient for the last five years will, as a rule, be paid an annual grant equivalent to the average of the amount received by the school for attendances, results, and works for the last three years. This annual grant will be subject to reassessment, as the result of a detailed inspection, which will be held in general at intervals not exceeding three years.

Schools registered for this annual grant must submit works yearly for the National Competition.

Special payments.

In addition to this annual grant a school of art can claim:—

(a.) 3*l.* for a student obtaining a free studentship tenable at the school or a local scholarship (see Supplementary Regulations).

(b.) 5*l.* for every student taught in the school who obtains a Royal Exhibition or a National Scholarship, or is admitted as a student in training to the Royal College of Art (see Supplementary Regulations).

(c.) A sum not exceeding 15*l.* for an art pupil-teacher in a school of art in which, at least, twenty students have been satisfactorily taught; and a further sum not exceeding 15*l.* for a second art pupil-teacher, in schools in which there are, at least, fifty such students. Students are considered to have been taught satisfactorily when their attendance has been regular and they have given, at the inspections or examinations, evidence of their progress during the school year.

One art pupil-teacher may be recognised in a branch school of art provided the instruction in the branch is of an elementary and advanced character.

The grant is to assist managers in training young, deserving, and qualified students to become teachers, and is not claimable in respect of members of the teaching staff.

The managers must annually notify on the prescribed form their nomination of an art pupil-teacher for the approval of the Board. The candidate approved by the Board must have passed in elementary freehand, geometry, model, and perspective drawing, or have obtained corresponding or higher qualifications at the art examinations of the Board. The Board will consider proposals to make appointments outside this rule. The art pupil-teacher, who must

not be required to pay fees for instruction, must during the year of his appointment submit works for examination, or sit for examination in subjects other than those in which he has previously obtained success.

No person over twenty-five years of age may be appointed art pupil-teacher. The appointment is from year to year. In no circumstances may the same person be continued as art pupil-teacher for more than five years.

An art pupil-teachership cannot be held by a local scholar.

The claim to a full grant under this article must be supported in each case by the art pupil-teacher's receipt for the amount paid to him by the managers in respect of his services for the school year of twelve months ending July 31st.

XL. The grants to other schools of art and to all branch schools of art will consist of payments on attendances (see § XX. Div. II. of the Regulations for Evening Schools), on results of advanced examinations (see § XXI. of the same regulations), and for free studentships and art pupil-teachers (see above).

Schools of art and branch schools must submit works for the National Competition, and also a selection of school works to illustrate the character of the course of instruction (see Supplementary Regulations). These works will be taken into consideration in assessing the attendance grants.

Branch schools.

A branch school of art must be under the managers of the school of art and in the same district. It must have evening classes open three evenings a week for a school year of about forty weeks, and must be taught by a teacher holding the art class teacher's or a higher certificate, and acting under the direction of the principal teacher of the school of art, who must supervise the approved course of study and work to be followed at the branch school.

INSPECTION.

Visits of inspectors.

XLI. The inspectors of the Board will from time to time visit the schools and report on the sufficiency, condition, and suitability, of the premises and fittings; the sufficiency of the apparatus and equipment; the curriculum; the character and quality of the instruction; the sufficiency of the teaching staff for the number of students under instruction; the progress of the students, which they may test in such manner as may be necessary; the constitution and working of the managing body; and the manner in which the Board's regulations are carried out.

A meeting of the managers, for which sufficient notice will be given, must, if required, be held when the school is inspected.

The inspectors may require the production of the accounts and of any other necessary papers to enable them to verify the income and expenditure in respect of the school.

Inspection of Secondary Schools under Section 3 of the Board of Education Act, 1899.

Application for inspection.

XLII. The Board will be prepared to conduct an inspection under section 3 of the Board of Education Act, 1899 (*a*) (see Supplementary Regulations), upon receiving an application for such inspection from the governing body of the school.

The Board cannot undertake to arrange for an inspection to take place in less than two months from the date on which the formal application for inspection is received.

Extent of inspection.

The inspection will cover (a) the administration of the school, (b) the conditions of the school buildings, and (c) the education given throughout the school.

(a.) For the purposes of the administrative inspection there will be a conference between an inspector and the governing body.

(b.) The inspection of the school buildings will include sanitary inspection, for which purpose a sanitary expert may, in special cases, have to be called in. It will also include an inspection of the provision for recreation, and of all boarding houses conducted by the governors or under their license or by any member of the school staff.

(c.) The educational inspection will deal with all the subjects comprised in the curriculum of the school, but not by way of systematic examination either written or oral.

Charge for inspection.

The charge for inspection, based on the ordinary curriculum, will be as follows, viz. :—

	£	*s.*	*d.*
For a school having not more than 50 students ..	5	0	0
For a school having more than 50 students and not more than 75	7	10	0
For a school having more than 75 students and not more than 100	10	0	0

And so on.

In assessing the charge for any school not containing a school conducted under Division A. (see p. 7), every two students above the number of 400 will be counted as one; and for any school containing a school conducted under Division A., every two students in the school under that division will be counted as one, and should the resulting number in the whole school exceed 400, every two units over 400 will be counted as one.

A minimum charge of 5*l.* will in all cases be made. When a sanitary expert is employed there will be an additional charge for his services.

Report on inspection.

The report of the Board on the efficiency of the school at the time of inspection will be sent to the governing body, and to the headmaster or the headmistress of the school, and also to the county

(*a*) See the sect., p. 334.

council, if that body contributes to the cost of the inspection under section 3, sub-section 2, of the Act. The report, if published, must be published in its entirety.

Where the school is in receipt of grants from the Board, the inspection will be combined with that required for the assessment of the grant.

The names of some of those who have assisted as occasional inspectors of secondary schools are given with the Supplementary Regulations.

EXAMINATIONS.

Examinations.

XLIII. Examinations are held by the Board under conditions which are stated in the Supplementary Regulations.

REWARDS TO STUDENTS.

Rewards.

XLIV. These consist of certificates, prizes, medals, and scholarships and exhibitions (see Supplementary Regulations).

PROVISIONAL CODE FOR 1903 OF REGULATIONS FOR PUBLIC ELEMENTARY SCHOOLS AND TRAINING COLLEGES, WITH SCHEDULES.

PREFATORY MEMORANDUM.

It should be understood that the following Code is provisional in character. It is issued to cover a period which is transitional, a period during which some elementary schools will, as heretofore, be maintained and conducted by school boards, or by voluntary managers, while others will be passing, at various dates in various localities, under the control of the new statutory educational authorities.

Early in next year, or so soon as they deem it advantageous, the Board intend to replace this provisional Code by a Code better adapted to meet the changed conditions which will have been created by the new Act.

It has been considered that it would be prudent, in the interests of all whom the Code concerns, to defer such wider changes as are necessary, until experience has been gained of the working of the Act, more especially as regards the training of teachers, and pupil teachers, and the conduct of elementary schools under the new conditions.

In this provisional Code, in order to make reference easier, the old numbering has been retained for the articles which correspond, whether with or without modification in detail, with antecedent articles in the Code for 1902. Several articles have been omitted

altogether as not applicable to schools on the new footing, while the wording of others has been more or less altered so as to be better suited to the new Act. Under these circumstances it would have served no good purpose to follow the practice of past years by setting forth *seriatim*, in an appendix, all the changes made. But on page 56 a list will be found of all articles either cancelled or modified or newly established, while the following paragraphs set out every important change of substance, as distinct from merely verbal modifications, to which the attention of managers and of local authorities need be specially directed.

Important Changes.

(1.) *Dates for Payment of Annual Grants.*

The arrangements for the date of payment of annual grants (see articles 20 and 94) will not be the same as hitherto. The Board is publishing, in a separate document, information as to the times at which, and the manner in which, grants in respect of elementary education (including the new aid grant under section 10 of the Education Act, 1902, and the fee grant) will be paid during the year 1903, in view of the special arrangements necessary for that period.

(2.) *Reports of Inspectors.*

The inspector will periodically test the efficiency of every school, and with this object, in accordance with current practice, he may visit a school at any time either with or without notice; but, when he is of opinion that the circumstances require it, he may, after due notice, hold a formal examination, whether of the school as a whole, or of any class in it (article 22). Furthermore, it will not henceforward be obligatory on the inspector to write a formal report (article 65), year by year, upon every inspected school before the annual grant can be paid (article 84) in respect of such school. Reports that have to be written every year, whether the staff and the work of the school have varied in any way or not, tend to become perfunctory and of little value. The object of every formal report on a school by the inspector will in future be the giving of helpful guidance to the managers and the authorities as to the points in which improvements may be needed.

(3.) *Teachers' and Pupil Teachers' Agreements.*

No compulsory form of agreement for pupil teachers will henceforward be issued by the Board of Education (article 84). The terms on which pupil teachers are engaged may be varied with local circumstances, provided they conform to certain important requirements on particular points. These points are specified in Schedule VI.

Similarly, no model form of agreement for principal teachers in voluntary schools will any longer be issued. But, while leaving the parties to the agreement free to adapt their terms of engagement to the circumstances of the case, the Code requires that all agreements with teachers, whether principal or assistant, in such schools, should be in writing, and should include the particular clause set out in article 71* which prohibits the imposition on any teacher of extraneous duties.

(4.) *Superintendence of Pupil Teachers.*

The distinction based upon an examination test only (articles 61, 62, 64), between certificated teachers who are, and those who are not, recognised as qualified to superintend pupil teachers, is now abolished. From this it follows that the privilege of re-examination, which has been allowed to the latter class of teachers for the purpose of qualifying themselves for admission to the former class, is no longer needed. Accordingly, while all certificated teachers will be provisionally regarded as so qualified, the Board reserve power to withdraw this recognition in cases where a certificated teacher is found not to possess sufficient knowledge or aptitude for the task, or to be negligent in its performance. Inspectors will be instructed to exercise great vigilance in regard to the efficient supervision of pupil teachers by principal teachers.

(5.) *Teachers, under Article* 68.

As a condition of the recognition, or continued recognition, of an untrained woman teacher under article 68, the Board may require arrangements to be made for the due training of such teacher.

(6.) *School-Staffing.*

The rule under which each teacher counted on the staff as sufficient for a certain number of children in average attendance has been altered. Henceforth the scale set forth in article 73 will indicate a minimum school staff in the sense that, subject to unforeseen or unavoidable contingencies as provided for in article 92, no public elementary school in which the regular staff is below that scale can be considered eligible for grants at all. Consequently, the provision in the Code (articles 108, 109) for paying the grant in such cases with a reduction in proportion as the staff might prove to have been below the scale, has been cancelled. The Board desire it to be clearly understood that, in future, a staff confined to the scale set out in article 73 is not to be regarded as universally, or even generally, sufficient to justify the payment of the State subsidy. The various circumstances and requirements of each particular school will in every case be carefully considered, and the

sufficiency and suitability of the staff, thus measured and estimated, will be deemed to be a condition precedent to the payment of any annual grant at all for that school.

It is probable that article 49* will be abolished in next year's Code.

(7.) *The Epidemic Grant (Article 101*).*

After March 31st, 1903, the Board will discontinue the special epidemic grant which has hitherto been allowed to schools in compensation for loss of income in any particular year, owing to the grant being payable on a diminished attendance while the expenditure on staff and maintenance remained unreduced. The amounts paid under this article to individual schools have, as a rule, been inconsiderable as compared with the total income and expenditure of the year. Many difficulties, too, have been found incident to the administration of the article, and it is believed that the money spent under its provisions might better be devoted to the improvement of the instruction given to pupil teachers. Arrangements are accordingly being made to effect this.

(8.) *Age-Limits for Attendances.*

The age-limits within which attendances of scholars may be reckoned for the purposes of annual grants have been amended in accordance with the notice given in the Code of 1902.

(9.) *Manual Training; Physical Training; Examinations for Special Purposes.*

Revised and amended regulations (Schedules II. and III.) have been drawn up for manual and physical training, and the list of examinations and certificates recognised for special purposes has been revised and enlarged. The list now includes a list of training schools of housewifery.

(10.) *The Revised Instructions.*

The re-modelling of the revised instructions is deferred until they can be issued in a complete form in connection with a more definite Code. Meanwhile, the regulations as to needlework, singing, cookery and laundry-work, set forth in Appendices III., IV., and V. of the Revised Instructions of 1902 remain in force.

(11.) *The Keeping of School Records.*

A new schedule, Schedule VII., is appended to the Code setting out the Board's rules for the keeping of school records. In substance the new schedule is a revision of Appendix II. of the Revised Instructions of 1902, in accordance with the new conditions of the Act of 1902.

(12.) *Accounts in Schools not maintained by a Local Education Authority.*

The directions as to school accounts which are to be found in the Revised Instructions of 1902 will continue in force for all schools not maintained by a local education authority under the Education Act, 1902. But from the time that any school comes under the control of a local education authority under that Act, it will cease to be affected by those directions. New instructions as to their accounts of educational expenditure will be issued to the local education authorities by the Local Government Board. At a later date the Board of Education will explain the nature of the financial and other statistics which will be required by the Board from those authorities.

ROBERT L. MORANT.

CODE OF MINUTES OF THE BOARD OF EDUCATION PRESENTED TO PARLIAMENT PURSUANT TO THE 97TH SECTION OF THE ELEMENTARY EDUCATION ACT, 1870, AND TO LIE ON THE TABLES OF BOTH HOUSES FOR ONE MONTH.

1. [Cancelled.]
2. [Cancelled.]

PART I.—PUBLIC ELEMENTARY SCHOOLS.

CHAPTER I.—INTRODUCTORY.

3. The term "elementary school" means "a school or department of a school at which elementary education is the principal part of the education there given, and does not include any school or department of a school at which the ordinary payments in respect of the instruction, from each scholar, exceed ninepence a week" (Elementary Education Act, 1870, s. 3). "Elementary school."

The "ordinary payment" for each scholar must cover all the instruction given in the school; and will, as a rule, be found by dividing the total amount of fees payable for any week, by the number of scholars on the registers for that week. But if more than one-third of the scholars pay fees exceeding ninepence a week the "ordinary payment" will be considered to exceed ninepence a week. The term "payments in respect of the instruction" means the fee payable by the parent, and does not include any payment for the purchase of books or other such articles. But a weekly or other periodical payment for the use of books or other school requisites, if required as a condition of admission to the school, is treated as a fee.

3*a*. Wherever the word "school" occurs in this Code, it is to be held to include "department of a school." For the purposes of this Code the Board of Education, hereinafter called the Board, have power to decide whether a part of a school is or is not a department.

"Public elementary school."

4. The term "public elementary school" is defined by the Elementary Education Act, 1870, s. 7, which is as follows:—

"Every elementary school which is conducted in accordance with the following regulations shall be a public elementary school within the meaning of this Act; and every public elementary school shall be conducted in accordance with the following regulations (a copy of which regulations shall be conspicuously put up in every such school); namely,

"(1.) It shall not be required, as a condition of any child being admitted into or continuing in the school, that he shall attend or abstain from attending any Sunday school or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere, from which observance or instruction he may be withdrawn by his parent, or that he shall, if withdrawn by his parent, attend the school on any day exclusively set apart for religious observance by the religious body to which his parent belongs:

"(2.) The time or times during which any religious observance is practised, or instruction in religious subjects is given at any meeting of the school shall be either at the beginning or at the end, or at the beginning and the end of such meeting, and shall be inserted in a time-table to be approved by the Education Department, and to be kept permanently and conspicuously affixed in every schoolroom; and any scholar may be withdrawn by his parent from such observance or instruction without forfeiting any of the other benefits of the school:

"(3.) The school shall be open at all times to the inspection of any of Her Majesty's inspectors, so, however, that it shall be no part of the duties of such inspector to inquire into any instruction in religious subjects given at such school, or to examine any scholar therein in religious knowledge, or in any religious subject or book:

"(4.) The school shall be conducted in accordance with the conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant."

'Inspector."

5. The term "inspector" means one of the inspectors of the Board, or any person employed by the Board for the purpose of inspection.

"Organising teacher."

5*. For the purposes of the Elementary School Teachers' Superannuation Act, 1898, an "organising teacher" is a person who is recognised as such by the Board, and who is employed with the sanction of the Board to pay visits of inspection to schools, or to instruct or examine teachers in any special subjects or educational methods, or to instruct or examine candidates for the office of pupil teacher.

6.
7. } [Cancelled.]

8. [Transferred to article 85.]

Correspondent.

9.—(a.) The body of managers of every school maintained by a local education authority under the Education Act, 1902, must

have a correspondent through whom any communications with the Board or with the local education authority that may be necessary should be made.

(b.) All communications from the Board in respect of the ordinary matters of control and maintenance of a school maintained by a local education authority under the Education Act, 1902, will, as a rule, be made to the clerk or secretary of the education committee of that authority, or such other person as may be named for the purpose by that authority with the approval of the Board.

(c.) Every school not maintained by a local education authority under the Education Act, 1902, must have responsible managers, and a correspondent, as required in the Code of 1902.

10. The term "local authority" means the local education authority acting under Part III. of the Education Act, 1902, where that Act is in operation, and the school board or school attendance committee, as the case may be, where that Act is not yet in operation. "Local authority."

11. The term "half-time scholar" means a scholar certified by the local authority to be employed in conformity with the byelaws, or, if not subject to the byelaws, in conformity with the Elementary Education Act, 1876, or any other Act regulating the education of children employed in labour, and in either case recognised by the Board as a half-time scholar. "Half-time scholar."

12. An "attendance" means attendance at secular instruction— "Attendance."

(a.) during one hour and a half in the case of a scholar in a school or class for infants;

(b.) during two hours in the case of a scholar in a school or class for older children; and during one hour and twenty minutes, in the case of a half-time scholar. The attendance of a half-time scholar for less than two consecutive hours is not recognised, but such two consecutive hours are reckoned as an attendance and a half.

A separate register must be kept for half-time scholars; and the certificate of the Inspector shall be conclusive proof of the number of attendances made by half-time scholars.

(c.) The marking of the registers for the afternoon meeting may not, without the special consent of the Board, commence within an hour of the close of the morning meeting.

(d.) The class registers must be marked and finally closed before the minimum time constituting an attendance begins. If any scholar entered in the register as attending is withdrawn from school before the minimum time constituting an attendance is complete, the entry of attendance should be at once cancelled.

(e.) The minimum time constituting an attendance may include an interval for recreation of not more than fifteen minutes in a meeting of three hours, and not more than ten minutes in a shorter meeting. A

meeting of two hours or more must include an interval for recreation of not less than ten minutes.

(f.) In making up the minimum time constituting an attendance there may be reckoned time occupied by instruction in any of the following subjects, whether or not it is given in the school premises or by the ordinary teachers of the school, provided that special and appropriate provision approved by the inspector is made for such instruction, and the times for giving it are entered in the approved time-table :—

Drawing.
Manual instruction.
Science.
Physical training.
Cottage gardening.
Domestic economy, practical cookery, laundry-work, dairy-work, practical housewifery.
Any other subject specially recognised by the Board for the purposes of this article.

N.B.—Games such as football, cricket, etc., cannot be recognised in making up the time constituting an attendance.

(g.) (i.) Visits paid during the school hours under proper guidance to museums, art galleries, and other places of educational value, or of national or historical interest, may be reckoned as attendances in accordance with sections (a.) and (b.) of this article, provided that not more than twenty such attendances may be claimed for any one scholar in the same school year, and that the places to be visited and the arrangements for such visits are approved by the inspector.

(ii.) Attendances at a central examination (not being an examination for labour certificates) may be reckoned as attendances in accordance with sections (a.) and (b.) of this article, provided that the arrangements for such examination are previously approved by the inspector.

(h.) In making up the minimum time constituting an attendance there may be reckoned time occupied in attending at a training college or central class for pupil teachers for the purpose of model or criticism lessons.

13. No attendance may be reckoned for purposes of grants from the Board for any scholar under three or over fifteen years of age, or for any scholar while habitually employed as a monitor.

"Average attendance."

14. The "average attendance" for any period is found by dividing the total number of "attendances" made during that period by the number of times for which the school has met during such period.

Course of instruction.

15.—(a.) The course of instruction in infant schools and classes should, as a rule, include—

Suitable instruction in reading, writing, and numbers.
Simple lessons on common things.

Appropriate and varied occupations.
Needlework.
Drawing.
Singing.
Physical training.

(b.) The course of instruction in schools for older scholars is as follows:—

(i.) English, by which is to be understood reading, recitation, writing, composition, and grammar in so far as it bears upon the correct use of language	To be taken as a rule in all schools
Arithmetic	
Drawing (for boys)	
Needlework (for girls)	
Lessons, including object lessons, on geography, history, and common things ..	
Singing, which should as a rule be by note ..	
Physical Training (see Schedule III.) ..	

N.B.—It is not necessary that all these subjects should be taught in every class.

One or more of them may be omitted in any school which can satisfy the inspector and the Board that there is good reason in its case for the omission.

(ii.) Algebra	One or more of these is to be taken when the circumstances of the school, in the opinion of the inspector, make it desirable.
Euclid	
Mensuration	
Mechanics	
Chemistry	
Physics	
Elementary Physics and Chemistry	
Animal Physiology	
Hygiene	
Botany	
Principles of Agriculture	
Horticulture	
Navigation	
Latin	
French	
Welsh (for scholars in schools in Wales) ..	
German	
Book-keeping	
Shorthand, according to some system recognised by the Board	
Domestic Economy or Domestic Science ..	
Drawing (for girls)	
Needlework (for boys)	

(iii.) Cookery (see art. 101 (g.))	
Laundry-work (see art. 101 (h.)) .. .	For girls.
Dairy-work (see art. 101 (i.)) .. .	
Household Management (see art. 101 (m.)).	
Cottage Gardening (see art. 101 (k.)) ..	For boys.
Manual Instruction (see art. 101 (l.)) ..	
Cookery (see art. 101 (g.) iii.)	For boys in seaport towns.

Where manual instruction is taken, it is desirable that suitable occupations leading up to it should be taken in the lower classes.

16. Any subject, other than those mentioned in article 15, may, if sanctioned by the Board, be included in the course of instruction, provided that a graduated scheme for teaching it be submitted to, and approved by, the inspector.

17. Instruction may be given in religious subjects, but no grant is made in respect of any such instruction (Elementary Education Act, 1870, s. 97 (1)) (*a*).

Chapter II.—Inspection.

Duties of inspectors.

18. Inspectors are employed to visit schools to enquire whether the conditions of annual grants have been fulfilled, and to report to the Board.

Application for grants.

19. No school is placed on the list of schools towards the maintenance of which annual grants are made, hereinafter called "the annual grant list," until an application has been addressed to the Secretary, Board of Education, Whitehall, London, S.W., and a form of preliminary statement has been filled up and sent to the Board.

Any school for which the entire annual grant is withheld, is at once removed from the annual grant list, and cannot be replaced on that list until a fresh application has been addressed to the Board.

School year.

20. The school year is the year or other period for which an annual parliamentary grant is for the time being paid or payable under this Code.

21. The educational year need not be identical with the school year.

Visits of inspectors.

22.—(a.) An inspector may visit at any time with or without notice any public elementary school or place in which the scholars are receiving instruction under the Code. The registers, portfolio and log-book must, if required, be produced for his inspection, and any of these documents may be required to be sent either to him or to the Board.

(b.) The inspector may, where he considers it desirable, hold a

(*a*) See p. 216.

formal examination of any class in the school upon the work done by the class during the previous six months; but not less than six months' notice will be given before such examination is held.

23. [Cancelled.]

24. The summary of any report made by the inspector, and any remarks made upon it by the Board, must, as soon as received, be copied verbatim into the log-book and signed by the correspondent. Summary of report.

25.
26.
27. [Cancelled.]
28.
29.

Certificates of Proficiency.

30. At any visit of an inspector to a public elementary school, he will examine for a certificate of proficiency any child over twelve years of age, or, if the child is to be employed in agriculture under any byelaw made under section 1 of the Elementary Education (School Attendance) Act, 1893, Amendment Act, 1899, over eleven years of age, whether a scholar in the school or not, if the child's parent or guardian, or the local authority, apply for the child to be examined for such a certificate; but the inspector is at liberty to refuse to examine any child for whose examination due provision is made elsewhere, or any child who has not been instructed for at least six months in the standard in which he is presented, or who has failed in that standard at an examination held in the previous three months.

Certificates of proficiency are certificates of having reached any standard prescribed by the Code. To "reach a standard" a child must be individually examined in reading, writing, and arithmetic in that or a higher standard, and must pass in each of those subjects.

Chapter III.—Teachers.

31. The teachers recognised by the Board are (a) probationers; (b) pupil teachers; (c) provisional assistant teachers; (d) assistant teachers; (e) provisionally certificated teachers; (f) certificated teachers; (g) women approved by the inspector as additional teachers. Classes of teachers.

32. Lay persons alone are recognised as teachers. Teachers to be lay persons.

Probationers.

33. Boys or girls over thirteen and under sixteen years of age and exempt from legal obligation to attend school may be recognised as probationers, provided that they are approved by the inspector, and are employed with the intention that they shall subsequently enter into engagements as pupil teachers in the school.

Probationers are not permitted to serve in school during more

than half the time that the school is open; and they must receive suitable instruction during the term of their employment.

Certificates of health and character, and, in the case of girls, of proficiency in needlework, must be furnished for probationers proposed for recognition under this article.

Pupil Teachers.

34. A pupil teacher is a boy or girl engaged to serve in a public elementary school during some portion of the school hours under the superintendence of the principal teacher, on condition of receiving suitable instruction. The Board may decline to recognise any pupil teachers where they consider that this condition is not satisfied.

The terms of the engagement of a pupil teacher must include the conditions set forth in Schedule VI. The Board will not recognise any pupil teacher whose engagement does not include those conditions.

Engagements.

35. Candidates, in order to be engaged as pupil teachers, must be presented to the inspector for approval, and must pass the examination specified in Schedule V., or some other examination recognised by the Board for the purpose of this article (see Schedule IV. A.). The certificates specified in Schedule V. must also be furnished.

Central

36. Central classes for the instruction of pupil teachers must be open at all times to the inspection of the Board, and the Board must be satisfied with the premises and general arrangements. The names of all teachers employed in such classes must be notified to the Board, and the time-table must be approved by the inspector.

Central classes will not be recognised for the purpose of article 63 or of the Elementary School Teachers Superannuation Rules, 1899, unless five meetings of not less than two hours each are held in the morning or afternoon in each week.

Pupil teachers may receive their instruction in secondary schools under conditions approved by the Board.

37. Pupil teachers and probationers must, as a rule, be of the same sex as the principal teacher of the school in which they are engaged.

Where a girl is engaged as a pupil teacher or probationer in a school under a master, and receives instruction from him out of school hours, some respectable woman must invariably be present during the whole time that such instruction is being given.

Girls are not, as a rule, recognised as pupil teachers or probationers in a boys' school, nor boys in a girls' or infants' school.

38. The engagement of a pupil teacher can only begin on the 1st of

July, or on the 1st of January. One of these dates must be uniformly adopted for all pupil teachers in the same school.

39.—(a.) Pupil teachers must be, except as hereinafter provided, not less than fifteen years of age at the beginning of their engagement.

(b.) In rural schools candidates between the ages of fourteen and fifteen may, with the special consent of the inspector, be admitted for an engagement of four years. In such cases the candidates will be required before admission to pass an examination in the three elementary subjects up to and including Standard VII., and in the elements of grammar, geography, and history. Certificates of health and character, and, in the case of girls, of proficiency in needlework, must be furnished for candidates proposed for admission as pupil teachers under this article.

40. The length of the engagement will ordinarily be three years, but may be two, or one, provided that (a) the candidate passes the examination prescribed by Schedule V. for such shorter engagements, and (b) the end of the reduced term of service falls beyond the completion of the candidate's eighteenth year.

Candidates may be admitted for an engagement of one or more years, provided that (a) they have passed not more than two years previously an examination recognised by the Board (see Schedule IV. A.), and (b) the end of the engagement falls beyond the completion of the candidate's eighteenth year.

Certificates and examinations.

41.—(a.) Pupil teachers are not required to take any examination after admission other than that prescribed by article 41 (f.), but in each year of their engagement the inspector must be satisfied that they are properly taught and diligent in their studies, and certificates of good conduct must be produced.

(b.) If the inspector's report or the certificates are not satisfactory the recognition of the pupil-teacher may cease from the end of the month in which the decision of the Board is announced.

(c.) [Cancelled.]

(d.) The collective examination of candidates is held in the spring. In 1903 the examination will be on April 4th.

(e.) The inspector will give notice of the time and place at which the collective examination will be held.

Notice should, in accordance with article 46, be given to the Board of the names of pupil teachers who will attend the King's Scholarship Examination.

(f.) The final examination of pupil teachers will (unless some other examination recognised by the Board under Schedule IV. B. is taken) be the King's Scholarship Examination next preceding the termination of their engagements. The King's Scholarship Examination may be deferred for a year, if the engagement is extended under paragraph 2 (b.) of Schedule VI.

Number of pupil teachers.

42. The number of pupil teachers recognised by the Board must

not exceed three for the principal teacher, and one for each certificated assistant teacher.

For the purposes of this article a probationer is reckoned as equivalent to a pupil teacher.

Pupil teachers, whose engagements have been extended under section 2 (b.) of Schedule VI. will not be reckoned as pupil teachers for the purposes of this article.

43. [Cancelled.]
44. [Cancelled.]
45. [Cancelled.]

Examination for Admission to Training Colleges.

King's Scholarship Examination.

46. The examination of candidates for admission into training colleges, called the "King's Scholarship Examination," is held at each college, and at such other centres as are necessary. The examination in 1903 will be held on the 15th December and following days.

The names of all candidates must be notified to the Board before the 1st of October.

It will be necessary to enforce this rule strictly.

Arrangements will be made for the special examination in the summer of 1903 of blind candidates proposing to enter a recognised training college for the blind in the autumn of 1903.

Subjects.

47. The examination extends to all the subjects specified in Schedule V.

A syllabus may be had on application to the Secretary, Board of Education, Whitehall, S.W.

Candidates.

48.—(a.) Candidates attending the examination must be either pupil teachers entering for their final examination under article 41 (f.) or, not being pupil teachers, persons over eighteen years of age on the 1st of October next following the date of the examination.

Persons who have not been pupil teachers will be required to produce a satisfactory medical certificate, in a form approved by the Board previous to their admission to the King's Scholarship Examination.

(b.) Candidates attending the examination at any training college are selected and admitted to the examination by the authorities of each college, provided that such candidates have previously obtained permission from the Board to attend the examination.

(c.) All pupil teachers entering for their final examination will be required to attend at centres as to which information will be given by the Board unless they are examined at colleges pursuant to article 48 (b.).

Class list.

49. The candidates who pass the examination are arranged in three classes.

Provisional Assistant Teachers.

49*. Persons who have completed an engagement as pupil teachers, but have failed at the King's Scholarship Examination during their engagement, may, with the consent of the inspector, be recognised as provisional assistant teachers during the two years immediately succeeding the last examination taken by them during their engagement.

This article will probably cease to be operative after March 31st, 1904.

Assistant Teachers.

50. Persons may be recognised as assistant teachers who (a) have passed the King's Scholarship Examination or (b) were qualified under previous Codes as assistant teachers.

The examinations in articles 50 and 52 will be held to include the corresponding examinations of the Scotch Education Department.

Persons who have passed the special King's Scholarship Examination for Blind Candidates (article 46) are not thereby qualified for recognition as teachers under this article.

51.—(a.) Graduates, or persons qualified by examination to become graduates, in arts or science of any university in the British Empire recognised by the Board for the purposes of this article may be recognised as assistant teachers.

(b.) Persons over eighteen years of age, who have passed university and other examinations recognised by the Board (see Schedule IV. B.), may be recognised as assistant teachers.

(c.) Teachers certificated in the second class or recognised in the first or second grade, by the Irish Commissioners of National Education, teachers so certificated in the first class who have not been trained in a training college, and teachers who have passed in the revised examination and been trained in a training college, may, subject to a satisfactory report from the Commissioners, be recognised as assistant teachers.

(d.) Persons holding the army acting schoolmaster's certificate, and recommended by the War Office, may, subject to a favourable report from the inspector, be recognised as assistant teachers.

Teachers proposed for a first engagement under article 51 must produce a satisfactory medical certificate in a form approved by the Board.

The recognition of assistant teachers under articles 50 and 51 will date from the first day of the month succeeding the close of the examination by which they are qualified.

Provisionally Certificated Teachers.

52. Pupil teachers who after the satisfactory completion of their engagement, and women who after two years' service in public elementary schools as recognised additional teachers (article 68) have

Conditions of recognition.

obtained a place in the First Class in the King's Scholarship Examination, may, if specially recommended by the inspector on the ground of their practical skill as teachers, be recognised as "provisionally certificated teachers" (see art. 82 (a.)).

Persons who passed the first year's examination for certificates in June, 1891, or subsequently are recognised as provisionally certificated teachers.

Persons who have served for not less than twelve months as assistant teachers under article 51 in public elementary schools may also be recognised as "provisionally certificated teachers" if specially recommended by the inspector on the ground of their practical skill as teachers.

Persons who were under previous Codes qualified as provisionally certificated teachers may be recognised as provisionally certificated teachers.

53. No certificate is issued to provisionally certificated teachers.

Lapse of recognition.

54. Provisionally certificated teachers cease to be recognised as such after the end of the school year in which they complete the twenty-sixth year of their age, or if the schools or classes of which they are in charge are twice reported to be inefficient (art. 86).

Certificated Teachers.

55. Candidates for certificates must, except in the cases otherwise provided for in this Code, be examined and undergo probation by actual service in school.

56. The examination will be held on 6th-10th July, 1903, at each residential training college, and at such other times and places as may be necessary.

Regulations and syllabuses may be had on application to the Secretary, Board of Education, Whitehall, S.W.

The examination for certificates held by the Scotch Education Department is accepted as equivalent to the corresponding English examination.

Arrangements will be made for the special examination of blind candidates for teachers' certificates. These certificates will be recognised only in schools for the blind.

57. [Cancelled.]

57*.—(i.) The examination is open to candidates who have satisfied the following conditions:—

(a.) Candidates must be not less than twenty years of age on the 1st October of the year in which they are examined.

(b.) They must either (1) have passed the King's Scholarship Examination, or an examination recognised by the Board of Education under article 51 (b.) of the Code, not less than two years previously to the 1st October of the year in which they are examined for certificates; or (2) be qualified under article 50 (b.) or article 51 (a.) or (c.) of the Code.

(c.) They must have been employed for at least one year (1) in

schools under inspection by the Board of Education, or (2) in approved central classes for the instruction of pupil teachers, and must, while so employed, have obtained a favourable report from an inspector on their skill in teaching, reading and recitation. This report should as a rule be obtained during the twelve months immediately preceding their examination.

(ii.) The examination will also be open to—

(a.) Students in training colleges who have completed the period of training prescribed in article 120 of the Code.

(b.) Persons who have been employed for not less than three years as teachers in schools certified under the provisions of the Elementary Education (Blind and Deaf Children) Act, 1893, provided they are not less than 20 years of age on the 1st October of the year in which they are examined.

58. Candidates who at the time of the examination are not teachers in schools under inspection must produce a satisfactory recommendation from their college or from the school in which they last served.

Notification of names.

59. The names of all candidates, for the examination, not being students in any training college, must be notified to the Board before the 1st of May.

N.B.—It will be necessary to enforce this article strictly.

Recognition as certificated teachers.

60. Teachers who have passed the examination may be recognised as certificated teachers from the first day of the month succeeding the close of the examination.

(a.) Teachers who on or before the 1st of January, 1891, would have been entitled under previous Codes to recognition as certificated teachers will continue to be similarly recognised.

(b.) Graduates, or persons who are qualified by examination to become graduates, in arts or science of any university in the British Empire recognised by the Board for the purposes of this article, and associates of the Royal College of Science, may be recognised as certificated teachers, provided that they hold a certificate of proficiency in the theory and practice of teaching issued by a university or collegiate body and recognised by the Board for the purposes of this article (see Schedule IV. C.).

(c.) Teachers certificated in the first class or reported as having passed with special distinction in the revised examination by the Irish Commissioners of National Education who have been trained in a training college may, subject to a satisfactory report from the Commissioners, be recognised as certificated teachers.

N.B.—Teachers certificated after April 1st, 1899, are not recognised as certificated teachers until the Board are satisfied in the manner prescribed by the Elementary School Teachers Superannuation Rules, 1899, of their age and physical capacity.

Superintendence of pupil-teachers.

61. Lists are published showing the successful candidates in each year's examination, whether students or not.

62. Certificated teachers are entitled to superintend pupil teachers, but this right may be suspended or withdrawn if the Board, on the report of the inspector, consider that a teacher does not show sufficient aptitude or skill or knowledge for this task, or has neglected his or her duty.

Teachers on probation. Parchment certificate.

63. A certificated teacher, in order to obtain a parchment certificate, must (i.) have been employed for not less than eighteen months as a certificated teacher in recorded service as defined by the Elementary School Teachers Superannuation Act, 1898, section 1 (5), and the Elementary School Teachers Superannuation Rules, 1899, section 9, and must have obtained a favourable report from an inspector;

Or (ii.) must have been reported by the proper department in each case to have completed a like period of good service as an elementary teacher in the army or navy, or (within Great Britain) in poor law schools, certified industrial or day industrial schools, or certified reformatories.

Teachers who have been allowed a third year of training under article 120 may obtain their parchment certificate after one year's employment as above defined.

64. [Cancelled.]

65. [Cancelled.]

66. [Cancelled.]

Recall or Suspension of Certificates.

67. A certificate may at any time be recalled or suspended, but not until the Board have used every available means of informing the teacher of the charges against him and of giving him an opportunity of explanation.

Expiration of Certificate.

67*. The certificate of a teacher, who becomes certificated after April 1st, 1899, shall expire on his attaining the age of 65 years, or, if the Board on account of his special fitness allow his service to continue for a further limited time, then on the expiration of that limited time.

The provisions of this article shall apply to teachers certificated before April 1st, 1899, who have accepted the Elementary School Teachers Superannuation Act, 1898, with the following modification, that is to say:—if the teacher had at the date of the acceptance of the said Act attained the age of 65 years or any greater age, the date of such acceptance shall be substituted for the date at which the teacher attained the age of 65 years (Elementary School Teachers Superannuation Act, 1898, §§ 1 (2) (a.) and 5 (2) (b.)).

Additional Teachers.

68. In mixed and girls' schools, and in infant schools and classes, a woman over eighteen years of age approved by the inspector,

who is employed during the whole of the school hours in the general instruction of the scholars and in teaching needlework, is recognised as an additional teacher.

In boys' schools, with the special approval of the Board, a woman over eighteen years of age approved by the inspector, who is employed during the whole of the school hours in the instruction of the lower classes, is recognised as an additional teacher.

Teachers proposed for a first engagement under this article must produce a satisfactory medical certificate in a form approved by the Board.

As a condition of recognition or continued recognition under this article, the Board may require such arrangements to be made for the training of the teacher as the circumstances of the case may render expedient.

69. [Cancelled.]

70. [Cancelled.]

School Staff.

71. The recognised teachers employed in any school form the school staff.

No paid teachers who are members or officers of school boards or school attendance committees can be recognised as part of the school staff.

71*. The engagements of all teachers in schools not provided by a local authority must be in writing. Such engagements must contain the following clause:—"The teacher shall not be required to perform or abstain from performing any duties outside the ordinary school hours, or unconnected with the ordinary work of the school." The Board will not recognise any teacher in such schools where this condition is not complied with.

72. [Cancelled.]

73. In determining what is the minimum school staff required, the Board will have regard to the number of children in attendance, their organisation and proficiency, the nature of the approved course of instruction and the qualifications of each member of the staff. In no case will a staff below the following scale be considered sufficient. Minimum school staff.

Teacher.	Number of Children in average attendance.
Principal certificated	50
Additional certificated	60
Assistant (whether or not provisionally certificated)	45
Provisional assistant teacher	30
Additional teacher under Article 68	30
Pupil teacher	30
Probationer	20

The number of children habitually present at any one time under the instruction of any teacher or teachers should not exceed by more than 15 per cent. the number for which such teacher or teachers is or are recognised.

In Greenwich Hospital and Marine Schools this article will not be applied.

Vacancies during the school year.

74. Where vacancies in the office of any teacher, other than the principal teacher, occur in the course of a school year, and are duly reported to the Board, temporary monitors, employed in place of the teachers causing the vacancies, are recognised as part of the school staff, each monitor being accepted as equivalent to a pupil teacher, provided always that the vacancies are supplied not later than the first day of the next school year by the appointment of duly qualified teachers.

Notice of change of staff.

75. Notice should at once be given to the Board of any change in the school staff occurring during the school year; and the date of birth of the new teacher and the name of the school in which he or she was last employed, and of that (if any) in which he or she served as pupil teacher should be specified. Forms for supplying these particulars may be obtained from the Board on application.

In view of the provisions of the Elementary School Teachers Superannuation Act, 1898, attention to this rule is specially necessary in the case of certificated teachers.

Chapter IV.—Annual Grants.

General Conditions.

Conditions of annual grant.

76. The conditions required to be fulfilled by a school in order to be placed or to continue on the annual grant list, are those set forth in this Code. The decision of the Board whether these conditions are fulfilled in any case is final and conclusive so far as regards the payment of grants.

The terms "annual grant" and "annual parliamentary grant" used in this Code do not include the "fee grant" payable under the Elementary Education Act, 1891, nor the aid grant under section 10 of the Education Act, 1902.

School a public elementary school.

77. The school must be conducted as a public elementary school and must satisfy any conditions required to be fulfilled by an elementary school in order to obtain a parliamentary grant under the Education Acts, 1870—1902.

Children not to be refused admission.

78. No child may be refused admission as a scholar on other than reasonable grounds.

Time table, and fees to be approved.

79. The time table must be approved for the school by the inspector on behalf of the Board, and must be open at any reasonable time, except the ordinary school hours, to the inspection of the parent of any scholar attending the school, who makes a written

application to see it. In a school provided by a local authority the consent of the Board must be given to the weekly fee (if any) charged.

80. The school must not be unnecessary.

81. The school must not be conducted for private profit, and must not be farmed out to the teacher. School not to be unnecessary.

82. The principal teacher must be certificated. Qualification of principal teacher.

Exceptions :—

(a.) A school with an average attendance of not more than fifty scholars may be conducted by a principal teacher who is provisionally certificated.

(b.) A school with an average attendance of not more than forty scholars may be conducted by a principal teacher who is qualified under article 50 or 51, provided that the inspector reports (i.) that such teacher is specially fitted to take charge of the school in question, and (ii.) that the circumstances of the school are such as to make it difficult to obtain the services of a certificated teacher.

(c.) A school already on the annual grant list may be conducted without a qualified teacher for not more than three months of the time (exclusive of the ordinary holidays) occupied by any interval or intervals in any school year, between the leaving of one and the coming of another teacher qualified under this Code to have charge of it, provided the school is kept open and the registers are duly marked during the interval.

(d.) A school may with the special approval of the inspector be conducted by a principal teacher who is a retired army schoolmaster recommended for that purpose by the authorities of the War Office.

83. A school must have met not less than 400 times in a year. Minimum number of meetings.

Exceptions :—

(a.) If a school for which an annual grant is claimed for the first time has not been open for a whole year, or, if a school has been closed during the year under medical authority or for any unavoidable cause, a corresponding reduction is made from the number of meetings required by this article.

(b.) If school premises are temporarily used under section 6 of the Ballot Act, 1872, for an election, or under any other statutory power, the number of meetings which would in ordinary course have been made had the school premises not been so used may, if necessary, be counted in making up the required number of meetings of the school.

(c.) In the cases of Greenwich Hospital and of Marine Schools this article will not be applied.

84. [Cancelled.]

Conditions relating to (a.) premises, staff, furniture, and apparatus, etc.

85. The Board must be satisfied:—

(a.) That the school premises are healthy, are properly constructed and arranged for teaching, lighted, warmed, cleaned, drained and ventilated, are supplied with suitable offices, and contain sufficient accommodation for the scholars attending the school, and that the school has a sufficient staff (article 73), and is properly provided with suitable desks and furniture, books, maps, and other apparatus of elementary instruction, and also with (a) suitable registers; (b) a portfolio to contain official letters; (c) a diary or log-book; (d) the code and revised instructions for each year; (e) a book for recording minutes of managers' meetings.

The log-book must be stoutly bound and contain not less than 300 ruled pages. It must be kept by the principal teacher, who is required to enter in it from time to time such events as the introduction of new books, apparatus, or courses of instruction, any plan of lessons approved by the inspector, the visits of managers, absence, illness, or failure of duty on the part of any of the school staff, or any special circumstances affecting the school, that may, for the sake of future reference or for any other reason, deserve to be recorded.

No reflections or opinions of a general character are to be entered in the log-book.

N.B.—The plans of all new school premises and enlargements must be approved by the Board before such new premises and enlargements are passed under this article. The numbers for which such new premises and enlargements are passed will be settled by the Board. Subject to the conditions laid down in the body of this article being fully satisfied, schools already on the annual grant list will as a rule be regarded as accommodating the number of scholars for which they have been hitherto recognised by the Board, provided that in no case there shall be less than 80 cubic feet of internal space and 8 square feet of internal area for each unit of average attendance. If in the neighbourhood of any school there is a deficiency of school accommodation, which is being supplied with due despatch, the accommodation of that school may with the consent of the Board be temporarily calculated at 80 cubic feet and 8 square feet for each unit of average attendance.

No room may be habitually used for a larger number of scholars than that for which it is passed by the Board:

(b.) Course of instruction.

(b.) That the course of instruction is in accordance with article 15 (a.) or 15 (b.), and has been approved by the inspector on behalf of the Board;

(c.) Instruction of infants.

(c.) that, as far as relates to the grant for an infant school or class, the infants are taught suitably to their age, and so as

not to interfere with the instruction of the older scholars in the same school;

(d.) that the admission and daily attendance of the scholars are carefully registered by or under the supervision of the principal teacher, and duly verified from time to time (*a*); and that all statistical returns and certificates of character are trustworthy. (d.) Registers and certificates.

(e.) [Cancelled.]

86. The school or infant class must be efficient. A school or class is regarded as satisfying this article if the inspector does not recommend the withholding of the grant under article 98, or article 101 (a.). The grant will not be withheld under this article until the following conditions have been fulfilled:— School must be efficient.

(1.) The inspector must report the school or class inefficient and state specifically the grounds of such judgment, and the Board must with the report give formal warning that the grant may be withheld under this article, if the inspector again reports the school or class to be inefficient.

(2.) The inspector must, not less than twelve months later, and after a visit paid with due notice, again report the school or class inefficient, and again state specifically the grounds of such judgment.

(3.) If within fourteen days after the receipt of the second adverse report of the inspector appeal is made by the managers or by the local authority against his decision, the school must be visited and such adverse report must be confirmed by another inspector.

87. All returns called for by the Board or by Parliament must be duly made. Returns.

87*. Notice must be sent to the inspector, as soon as is possible in each case, of every date upon which the school will be closed, or its ordinary work suspended, during the year, whether for the ordinary holidays or on any special occasion. Inspector to have timely notice of all closures.

In the event of failure to give such notice a deduction not exceeding 1*l.* may be made from the next annual grant.

This article is not intended to limit the discretion of managers or local authorities in closing a school temporarily in the event of a sudden emergency.

88. If the sanitary authority of the district in which the school is situated, or any two members thereof acting on the advice of the medical officer of health require either the closure of the school or the exclusion of certain children for a specified time, with a view to preventing the spread of disease, or any danger to health likely to arise from the condition of the school, such requirement must Compliance with order to close school.

(*a*) For particulars as to the keeping and verification of registers see Sch. VII. of the Code, p. 684.

at once be complied with, but after compliance appeal may be made to the Board if the requirement is considered unreasonable.

89. [Cancelled.]

90. The income of the school must be "applied only for the "purpose of public elementary schools" (Elementary Education Act, 1876, s. 20).

Students from training colleges to be admitted.

91. On request from the authorities of a training college, students from the college must be allowed to attend the school for the purpose of practical instruction in teaching on such conditions as may be approved by the Board.

Power to warn instead of withholding grant.

92. In cases where any of the conditions of annual grants set forth in this Code (except such conditions as are specially imposed by Act of Parliament) are not fulfilled, the Board have power, after considering all the circumstances, to pay the grant or a portion of the grant, and give a warning that the next year's grant may be withheld.

Commencement of Grant.

93. The annual grant for a school begins to run, as a rule, from the first day of a calendar month nearest to the date at which the school begins to be taught by a teacher qualified under this Code to have charge of it; but if application for a grant is not made within six months after such date the Board may refuse to make a grant for any time previous to the receipt of the application.

94. Where a grant is payable for a school not maintained by a local education authority under the Education Act, 1902, which has been closed, the amount of such grant shall not, as a rule, exceed the amount of the net outstanding liabilities on current account of the school at the time of its closing.

Subjects and Amounts of Grants.

95. The annual grant is made up of the several grants, which, with their amounts, are enumerated in the following articles.

96. Except where it is specially provided otherwise, the sum mentioned is the amount of a year's grant for each unit of average attendance.

A fraction of a unit, if it reaches ·5, may be counted as an additional unit.

97. If the grant is paid for a period other than a year, the year's grant is increased or diminished by one-twelfth for each month more or less than a year.

This article does not apply to grants under articles 101, (g.) to (m.), and 102, pp. 654—656.

Grants for Infant Schools or Classes.

98. Grants are made for infant schools and classes under this article; and every school or class for which a grant is made under this article is an infant school or class.

Only one infant class will be recognised in any department.

In an infant class in which the average attendance is less than twenty, the attendances of the scholars of such class will be reckoned with those of the older scholars, and the grant on the whole average attendance will be made under article 101; but it will be necessary in this case, as in that of a grant made under this article, that the Board should be satisfied that the infants are taught suitably to their age and so as not to interfere with the instruction of the older scholars. If the Board are not satisfied of this, they may pay the grant on the average attendance of older scholars only.

A principal grant of 17*s.* or 16*s.* is made for infant schools and classes.

The Board shall decide which, if either, of these grants shall be paid after considering the report and recommendation of the inspector upon each of the following four points:—

(a.) The suitability of the instruction to the circumstances of the children and the neighbourhood.

(b.) The thoroughness and intelligence with which the instruction is given.

(c.) The sufficiency and suitability of the staff.

(d.) The discipline and organisation.

The inspector will recommend the higher grant, unless he is unable to report favourably upon the school under these heads.

The course of instruction for infant schools and classes is given in article 15 (a.).

99. [Cancelled.]

Teachers required for the charge of Infant Classes.

100. An infant class with an average attendance of more than fifty should be in charge of a certificated teacher of its own, and an infant class with an average attendance of more than thirty should be in charge of a teacher over eighteen years of age, approved by the inspector. No grant will, as a rule, be paid for more than three months (exclusive of the ordinary school holidays) of any period during which the class has been without such a teacher.

Grants for Schools for Older Scholars.

101. Grants are made for schools for older scholars under this article, and every school for which a grant is made under this article is a school for older scholars.

(a.) A principal grant of 22*s.* or 21*s.* is made for schools for older scholars. Principal grant.

(i.) The Board shall decide which, if either, of these grants shall be paid, after considering the report and recommendation of the inspector upon each of the following four points :—

(a.) The suitability of the instruction to the circumstances of the children and the neighbourhood.

(b.) The thoroughness and intelligence with which the instruction is given.

(c.) The sufficiency and suitability of the staff.

(d.) The discipline and organisation.

The inspector will recommend the higher grant unless he is unable to report favourably upon the school under these heads.

The course of instruction for schools for older children is given in article 15 (b.).

(ii.) The instruction should be in accordance with a syllabus which must be produced to the inspector at his visit. The inspector may disapprove any portion of the syllabus which he considers unsuitable.

Specimen schemes of instruction suited to schools in various circumstances may be obtained on application to the Board.

(iii.) In reporting upon the sufficiency and suitability of the staff, the inspector will have regard to the fitness of each teacher for the work allotted to him (or her).

(iv.) In reporting upon the discipline and organisation the inspector will have special regard to the moral training and conduct of the children, to the neatness and order of the school premises and furniture, and to the proper classification of the scholars, both for teaching and examination. But he will not interfere with any method of organisation adopted in a training college, if it is satisfactorily carried out in the school. To meet the requirements respecting discipline, the inspector must be satisfied that all reasonable care is taken, in the ordinary management of the school, to bring up the children in habits of punctuality, of good manners and language, of cleanliness and neatness, and also to impress upon the children the importance of cheerful obedience to duty, of consideration and respect for others, and of honour and truthfulness in word and act.

(b.) [Cancelled.]
(c.) [Cancelled.]
(d.) [Cancelled.]
(e.) [Cancelled.]
(f.) [Cancelled.]

Grant for cookery.

(g.) Where the inspector reports that special and appropriate provision is made for the practical teaching of cookery by a teacher holding a certificate recognised by the Board (see

Schedule IV. E.), or otherwise recognised by the Board as qualified to teach that subject, a grant of 4*s.* may be made on account of any girl who has attended not less than forty hours during the school year (of which not more than eight hours may be in any one week or more than four hours in any one day) at a cookery class of not more than eighteen scholars, and has spent not less than twenty hours in cooking with her own hands, and not less than fourteen hours in attendance at demonstration lessons. Attendances made by girls under eleven years of age will not as a rule be recognised for the purpose of this grant.

The time for cookery must be entered in the time table, and should be not less than a continuous hour and a half at any meeting. A list of dishes taught during the school year, and the record of the instruction given at each lesson, must be submitted to the inspector at the close of the school year.

(i.) Where the inspector reported before the 1st of May, 1885, that special and appropriate provision was made for the practical teaching of cookery in a school by any teacher, the grant for cookery shall not be refused on the ground that such teacher does not hold a certificate as above mentioned.

(ii.) For the purpose of demonstration, not more than three classes of eighteen scholars may be present, provided the inspector reports that the number present may be conveniently accommodated. But for the twenty hours required for cooking with their own hands (during which time no demonstration lesson can be given) not more than eighteen scholars shall be taught at the same time by one teacher.

(iii.) This grant may also be made on account of boys over twelve years of age, who are, with the special sanction of the Board, receiving instruction in cookery in schools situated in seaport towns.

Grant for laundry work.

(h.) Where the inspector reports that special and appropriate provision has been made for the practical teaching of laundry work by a teacher holding a certificate recognised by the Board (see Schedule IV. E.), or otherwise recognised by the Board as qualified to teach that subject, a grant of 2*s.* may be made on account of any girl who has attended not less than twenty hours during the school year (of which not more than eight hours may be in any one week or four hours in any one day) at a laundry class of not more than fourteen scholars, and has spent not less than ten hours in working with her own hands. Attendances made by girls under eleven years of age will not as a rule be recognised for the purpose of this grant.

The time for laundry work must be entered in the time table. A record of the instruction given and work done must be submitted to the inspector.

Not more than forty-two scholars are permitted to be present at a demonstration class.

Grant for dairy work.

(i.) Where the inspector reports that special and appropriate provision has been made for the practical teaching of dairy work by a teacher holding a certificate recognised by the Board (see Schedule IV. E.), or otherwise recognised by the Board as competent to teach dairy work, a grant of 4*s.* may be made on account of any girl who has attended for not less than twenty lessons, of at least two hours each, a class of not more than fourteen scholars. Attendances made by girls under eleven years of age will not as a rule be recognised for the purpose of this grant.

The time for dairy work must be entered in the time table, and should be not less than two continuous hours at any meeting.

Grant for cottage gardening.

(k.) Where the inspector reports that special and appropriate provision has been made for the practical teaching of cottage gardening by a teacher recognised by the Board as qualified to teach that subject, a grant of 2*s.* (or 4*s.*) may be made on account of any boy who has attended not less than twenty hours (or forty hours) at a gardening class of not more than fourteen scholars. Attendances made by boys under eleven years of age will not as a rule be recognised for the purpose of this grant.

The time for cottage gardening must be entered in the time table.

Grant for manual instruction.

(l.) *A Grant for Manual Instruction* of 6*s.* or 7*s.* may be made on account of any boy who has been satisfactorily taught in accordance with Schedule II.

The Board shall decide which, if either, of these sums shall be paid after considering the report of the inspector.

The inspector will not recommend the grant of 7*s.* unless the instruction is specially good.

Grant for household management.

(m.) If a scheme of practical instruction for girls in household management, including cookery, laundry work, and practical housewifery, is submitted to and approved by the Board, a grant at the rate of 7*s.* per 100 hours' attendance may be made for each girl who has attended lessons given in accordance with the scheme. Attendances made by girls under twelve years of age will not as a rule be recognised for the purpose of this grant.

The scheme must provide for not less than 100 hours' instruction being given in each year for which the grant is claimed. As a rule one half of the time given to this subject must be spent in practical work by the girls. The instruction must be given in premises specially adapted for the purpose and by a teacher specially recognised by the Board as qualified to teach the subject (see Schedule IV. E.), and the inspector must report that the instruction and arrangements are satisfactory.

The complete course of instruction may be spread over two or more years, and in that case the grant may be claimed at the end of each year in respect of the instruction given during that year.

No grant may be claimed under article 101 (g.), (h.), or (i.), in respect of any girl for whom the grant for household management is claimed.

The time for household management must be entered in the time table.

N.B —If the school year is less than twelve months, or if the school has been closed under medical authority, and it is shown to the satisfaction of the Board that the completion of the course of instruction in cookery, laundry work, dairy work, or cottage gardening, has been thereby prevented, the Board may pay a part of the grants under article 101 (g.), (h.), (i.), and (k.), proportionate to the part of the course completed in the school year.

If in any school the course of instruction follows an educational year which differs from the school year, attendance at a class for cookery, laundry work, dairy work, cottage gardening, manual instruction or household management may be reckoned according to the educational year, and in that case the grants under article 101 (g.), (h.), (i.), (k.), (l.), and (m.) will be paid with the grant for the school year in which the end of the educational year falls.

The grants under article 101 (g.) to (m.) are not calculated on the average attendance.

Special Grants.

Epidemic grant.

101*. Where the Board are satisfied that by reason of a notice of the sanitary authority under article 88 or any provision of an Act of Parliament requiring the exclusion of certain children, or by reason of the exclusion under medical advice of children from infected houses, the average attendance has been seriously diminished, and that consequently a loss of annual grant would, but for this article, be incurred, the Board have power to make a special grant not exceeding the amount of such loss in addition to the ordinary grant.

No grant will be made under this article in respect of any diminution of attendance occurring after March 31st, 1903.

102. A grant of 40*s.* is made annually for each recognised pupil teacher admitted from July the 1st, 1900, or from any later date, provided that the inspector reports that the pupil teacher is properly taught and diligent in his or her studies.

The number of grants paid for any pupil teacher thall not exceed the number of years for which he or she was originally admitted.

Grants are made for pupil teachers admitted from the 1st of January, 1900, or from any earlier date, in accordance with article 102 of the Code of 1902.

103. [Cancelled.]

Grants for small populations.

104. Where the population of the parish (*a*) in which any public elementary school is situate, or the population within two miles measured according to the nearest road from the school is less than 300, and there is no other public elementary school recognised by the Board as available for that parish (*a*) or that population, as the case may be, the Board may, on the recommendation of the inspector, make a special grant, in addition to the ordinary grants, amounting, if the said population exceeds 200, to 10*l.*, and if it does not exceed 200, to 15*l.*

105. Where the population of the parish (*a*) in which the school is situate, or the population within two miles measured according to the nearest road from the school, is less than 500, and there is no other public elementary school recognised by the Board as available for that parish (*a*) or that population, the Board may, on the recommendation of the inspector, make in addition to all other grants due under this Code a special grant to the amount of 10*l.* For the purposes of this article the limit below which the school staff will in no case be accepted as sufficient is as follows :—

Teacher.	Number of Children in average attendance.
Principal	40
Additional certificated . . .	40
Assistant	30
Provisional Assistant . . .	20
Additional (Article 68) . . .	20
Pupil teacher	20
Probationer	10

The grant under this article will, as a rule, be reduced by one-twelfth for every month during which the staff has not satisfied the above requirements, subject to the provisions of articles 74 and 82(c.), as to vacancies in the course of a school year.

N.B.—The grants under the last two articles are not calculated on the average attendance.

106. [Cancelled.]
107. [Cancelled.]
108. [Cancelled.]
109. [Cancelled.]

(*a*) For "parish" read "school district" (E. E. Act, 1870, sects. 4 and 10), in the case of areas where the E. Act, 1902, is not operative.

CHAPTER V.—HIGHER ELEMENTARY SCHOOLS.

110. A public elementary school may be recognised by the Board as a higher elementary school under the following conditions:—

(1.) The school must be organised to give a complete four years' course of instruction approved by the Board.

(2.) A child proposed for admission to a higher elementary school must—

(i.) Be not less than ten years of age at the date of admission;

(ii.) Have, as a rule, been for at least two years under instruction at a public elementary school;

(iii.) Be shown to the satisfaction of the inspector to be qualified to profit by the instruction offered in the higher elementary school.

(3.) The inspector must be satisfied of the fitness of any child to continue, or to be promoted from one year's course to another, in a higher elementary school.

(4.)—(i.) Attendances may not be recognised in a higher elementary school for any scholar who is upwards of fifteen years of age.

(ii.) No scholar may remain in a higher elementary school beyond the close of the school year in which he or she is fifteen years old. But scholars who are receiving instruction in a school at the time of its conversion into a higher elementary school may remain with the sanction of the Board of Education.

(5.) Scholars newly admitted into a higher elementary school must, except with the express sanction of the inspector, commence with the first-year course.

This rule does not apply to scholars who are receiving instruction in a school at the time of its conversion into a higher elementary school.

(6.) The number of scholars in a higher elementary school will, as a rule, be limited to about 350, except in the case of a school of science converted into a higher elementary school.

(7.)—(i.) The school must be shown, to the satisfaction of the Board, to be necessary, having regard to the circumstances of the particular locality.

(ii.) The premises must be specially equipped for practical instruction, and must be recognised by the Board as suitable for the purposes of a higher elementary school.

(8.)—(i.) The teachers must be qualified under articles 50, 51, or 60, and their recognition will not be continued if the inspector is unable to report favourably on their qualifications. An assistant teacher engaged to teach science must possess a special qualification recognised by the Board.

Persons recognised under previous Codes as head or assistant

teachers may continue to be so recognised subject to the favourable report of the inspector.

(ii.) No member of the teaching staff may undertake duties not connected with the school which may occupy any part whatever of the school hours.

(iii.) The numbers of a class should be, as a rule, confined to thirty-five, and may not exceed forty. There must be a teacher for every class, and a laboratory should be, as a rule, in charge of a teacher of its own.

(9) Before a school can be recognised as a higher elementary school a curriculum and time table must be submitted for the approval of the Board, and such other information as the Board may require must be supplied. The curriculum must be approved by the Board, and must show that a sufficiency of science instruction, both practical and theoretical, is provided for in each year.

(10.) The grants made for higher elementary schools are as follows:—

	Higher Scale.	Lower Scale.
	s.	*s.*
1st year . . .	35	31
2nd year . . .	47	43
3rd year . . .	65	55
4th year . . .	90	73

The Board shall decide which, if either, of these grants shall be paid, in the case of each year's course, after considering the report and recommendation of the inspector upon each of the following four points:—

(a.) The suitability of the instruction to the circumstances of the scholars and the neighbourhood.

(b.) The thoroughness and intelligence with which the instruction is given.

(c.) The sufficiency and suitability of the staff.

(d.) The discipline and organisation.

The inspector will recommend the higher grant unless he is unable to report favourably upon the school under these heads.

(11.)—(i.) The sum named in section 10 of this article is in each case the amount of a year's grant for each unit of average attendance.

(ii.) For the purpose of reckoning the average attendance at a higher elementary school an attendance shall mean attendance during two and a half hours.

(12.) No grant may be received from the Board for any higher elementary school in addition to the grants named in section 10 of this article, with the exception of the fee grant.

(13.) Separate registers must be kept for the higher elementary school.

(14.) No scholar may attend a higher elementary school who is attending an evening school or class under the regulations of the Board.

(15.) The other articles of this Code are applicable to higher elementary schools, except so far as a contrary intention appears from the terms of this article.

PART II.—TRAINING COLLEGES.

Residential and Day Training Colleges.

111. A training college is an institution either for boarding, lodging, and instructing, or for merely instructing students who are preparing to become certificated teachers in elementary schools. The former are called residential, the latter day training colleges. A residential college may receive day students. Training colleges are required to include, either on their premises or within a convenient distance, a practising school in which the students may learn the practical exercise of their profession.

Training colleges must be open at all reasonable times to the inspection of the Board.

An institution for boarding, lodging, and instructing blind students who are preparing to become teachers in schools for the blind may be recognised as a training college. Grants will be paid to such a college on the same conditions, so far as circumstances permit, as those laid down for an ordinary residential training college.

112. A day training college must be attached to some university or college of university rank. The authorities of a day training college must be a local committee, who will be held responsible for the discipline and moral supervision of the students, for due care as regards their board and lodging, and for their regular attendance at professorial or other lectures.

Conditions of grant.

113. No grant is made for a training college unless the Board are satisfied with the premises, management, staff, curriculum, and general arrangements, and recognise it as a training college.

Admission into Training Colleges.

King's scholars.

114. The recognised students in a training college are called King's scholars.

Qualifications for admission.

115. The authorities of a training college may propose to the Board for admission as King's scholar—

(a.) any candidate who has obtained a place in the first or second class at the last or last but one preceding King's Scholarship Examination (articles 46 and 47);

(b.) any certificated teacher who has not previously been trained

during two years, and who wishes to enter the college for a year's training, in the course prescribed for students of the second year;

(c.) any graduate, or person qualified by examination to become a graduate, in arts or science of any university in the British Empire recognised by the Board for the purposes of this article, who wishes to enter the college for a year's training;

(d.) any candidate over eighteen years of age who has passed since the 1st of January, 1901, one of the examinations approved by the Board for this purpose (see Schedule IV. D.).

The Board may limit in the case of any training college the number of candidates admitted under each paragraph of this article.

Number of day students.

116. The number of day students to be admitted to each training college will be fixed by the Board upon receipt of an application from the authorities of such college dated not later than the 1st of June in each year and stating the number of students that they desire to admit.

Conditions of admission.

117. Before candidates are admitted—

(a.) The medical officer of the college must certify that the state of their health is satisfactory, and that they are free from serious bodily defect or deformity; and,

(b.) They must sign a declaration that they intend *bonâ fide* to adopt and follow the profession of teacher in a public elementary school, or in a school certified under the provisions of the Elementary Education (Blind and Deaf Children) Act, 1893, or in a central class for pupil teachers, or in a training college, or in the army or navy, or (within Great Britain) in poor law schools, certified industrial or day industrial schools, or certified reformatories.

Other conditions laid down by college authorities.

118. The Board may refuse to recognise in a training college any student who has subsequently to the publication of the list of King's scholars signed an engagement to enter another training college, without the written consent of the authorities of the latter college. In other respects the authorities of each college settle their own terms of admission.

Non-fulfilment of conditions.

119. Upon proof by the authorities of any college that candidates have not fulfilled the conditions signed by them on admission into the college, the Board may refuse to grant parchment certificates to such candidates, or to recognise them as certificated teachers.

Period of training.

120. The period of training is ordinarily two years, except for students admitted under article 115 (b.) or (c.). But an additional year's training may be allowed on the application of the authorities of the college proposing to admit the student to such training. The consent of the Board will only be given in the case of students of special merit, for whom special educational facilities are offered. Such additional year's training may with the like application and consent be taken, in whole or in part, at the college itself or elsewhere.

Students of special merit may on the application of the authorities of their training college, and with the consent of the Board, be allowed to take their second year of training, in whole or in part, in an institution for training teachers of the deaf approved by the Board for the purpose.

Students who pass successfully through two or three years of training receive special mention thereof on their certificates.

For the purposes of this article the period from January to June, 1895, is counted as one year.

Examination of Students in Training Colleges.

121. Students who are King's scholars and are qualified to attend the examinations for certificates (articles 55—57*) are required to attend such examination, unless prevented by illness or other cause approved by the Board.

Grants to Training Colleges.

Grants for teachers trained two years.

122. Grants are placed to the credit of each residential college of 100*l.* for every master, and of 70*l.* for every mistress, who, having been trained in such college as a resident King's scholar, and of 20*l.* for every master and every mistress who, having been trained in such college as a day King's scholar, during two years, is recognised as a certificated teacher, and completes the prescribed period of probation and obtains a parchment certificate (article 63).

An additional grant of half of each of the above amounts is placed to the credit of the college on account of each such master or mistress who has received an additional year's training under article 120.

For teachers trained one year.

123. Teachers who have been trained for one year only may, if they satisfy the requirements of article 60, obtain parchment certificates after probation, or may be reported by the proper department, upon the same terms as others; and grants, of half the amounts specified in article 122, may be placed to the credit of the college in which they were trained, provided they entered the college as King's scholars for training in the course prescribed for students of the second year under article 115 (b.) or article 115 (c.) of this Code or the corresponding article of any previous Code.

124. The annual grant for each residential college is paid out of the sums standing to its credit (articles 122, 123) at the beginning of the year, after the adjustment under article 126 (c.)

Exception:—

In the case of a new college, or (subject to the approval of the Board) of an extension of a college, the grants for the first five years are paid without reference to the sums standing to the credit of the college.

The annual expenditure of the college in respect of such extension must be approved by the Board and certified in such a manner as the Board may require.

Limitation of grant to residential

125. Except as provided by article 128, the annual grant for a residential college must not exceed—

(a.) 75 per cent. of the expenditure of the college for the year, approved by the Board and certified in such manner as the Board may require.

(b.) 50*l.* for each man, and 35*l.* for each woman, in residence as a King's scholar, and 10*l.* for each day student enrolled, for continuous training as a King's scholar throughout the year for which it is being paid.

In the case of third-year students studying elsewhere than at the college, and in receipt of an allowance from the college approved by the Board, 75 per cent. of such allowance will be substituted for the sums of 50*l.* and 35*l.*

Instalments of grant.

126. The annual grant for each residential college is paid as follows:—

(a.).—(i.) An instalment of 12*l.* (men), or 8*l.* (women) is paid on October 1st, February 1st, and May 1st in respect of every King's scholar in residence for continuous training throughout the year.

(ii.) An instalment of 2*l.* is paid on October 1st, February 1st, and May 1st, in respect of every day student enrolled for continuous training as a King's scholar throughout the year.

(b.) Part of the instalment of the 1st of May may be suspended, if payment of the full amount then due would cause the limit under article 124 or article 125 (a.) to be exceeded.

Adjustment.

(c.) The balance is adjusted as soon as the college accounts for the year have been closed, audited, and approved by the Board.

Grants to day colleges.

127.—(a.) In day training colleges, a grant will be made annually, through the local committee, of 25*l.* to each man, and of 20*l.* to each woman King's scholar, and a grant of 10*l.* to the committee in respect of each King's scholar enrolled for continuous training throughout the year.

N.B.—Grants of corresponding amounts will be made to day King's scholars who attend a residential college, but the grant to the authorities of a residential college in respect of such day King's scholars will be made under articles 124, 125, and 126, and not under this article.

(b.) These grants will be paid to the local committee in three instalments, upon a certified list of the King's scholars enrolled for continuous training throughout the year, and attending lectures at the university or college to which the day training college is attached, viz.:—

(i.) an instalment of 11*l.* (men), or 9*l.* (women), on the 1st of October, or as soon as the certified list of the King's scholars has reached the Board, and on the 1st of February;

(ii.) an instalment of 13*l.* (men), or 12*l.* (women), on the 1st of May. Out of these sums the committee will pay to each King's scholar on the 1st of October, or as soon as the grant has been

received, and the 1st of February, 8*l.* (men), or 6*l.* (women), and on the 1st of May, 9*l.* (men), or 8*l.* (women).

N.B.—The grants to day King's scholars attending a residential training college will be paid through the committee under this article.

(c.) The local committee will be required to produce to the Board as soon as possible after the 31st of July in each year, an account of their income and expenditure in such form as may be prescribed by the Board. The accounts shall (*inter alia*) include the grants for the King's scholars, and the payments by the committee to them.

128. Separate grants for drawing and science are made at the following rates to training colleges for every student who has satisfactorily passed through an approved course in—

(a.) Drawing, 10*s.*

(b.) Mathematics or theoretical mechanics, 25*s.*

(c.) Any other science subject, 35*s.*

(d.) General elementary science only, and no other science subject, from 35*s.* to 55*s.*, according to the report of the inspector upon the science equipment of the college, upon the facilities provided for adequate scientific instruction, upon the amount and character of the practical work of the students in the course, and upon the quality of the scientific instruction given.

These grants will be in addition to the grant at present payable under articles 122—127; but in determining the limit of grant under article 125 (a.), the cost of the instruction in science and drawing will be excluded from the certified expenditure, except so far as the cost of instruction in either science or drawing can be shown to be in excess of the grant for science or drawing paid or payable for the same period.

Grants for shortened year 1895.

129. The following table shows the amounts of the grants that, in consequence of the change of date of the certificate examination, will be made instead of those specified in the Code, in the case of students in residential colleges—

A. whose first or second year of training included the period from January to June, 1895.

B. whose third year (article 120) or single year (article 115 (b.)) of training consisted of the same period.

	Grant placed to Credit of College (Article 122 or 125) on account of		
	(i.) Men (Resident).	(ii.) Women (Resident).	(iii.) Day Students in Residential Colleges.
	£	£ *s.*	£
A.	75	52 10	15
B.	25	17 10	5

PART III.—PENSIONS.

130. A limited number of pensions will be granted to certificated teachers who were employed as teachers, or were recognised students in any training college, at the date (May 9th, 1862) when the Minutes (*a*) relating to pensions were cancelled.

No application for a pension under this article will be entertained unless it is made before April 1st, 1906.

(1.) An applicant for a pension must—

(a.) Be, as a rule, a teacher employed in a public elementary school, in a school certified under the provisions of the Elementary Education (Blind and Deaf Children) Act, 1893, training college, or central class for the instruction of pupil teachers, or as an organising teacher, at the time when the pension is applied for.

(b.) Have become incapable, from age or infirmity, of continuing to teach a school efficiently.

(c.) Have, as a rule, been employed continuously since the 9th of May, 1862, as principal or assistant teacher in elementary schools, training colleges, or central classes for the instruction of pupil teachers, or as an organising teacher.

(d.) Be recommended by the inspector, and have received satisfactory certificates of service.

(e.) Be 60 years of age (if a man), or 55 (if a woman), unless the pension is applied for on the ground of failure of health.

(2.) As a rule, pensions will be granted to those teachers only who have been, during the seven years preceding the application on their behalf, employed in schools or colleges under inspection.

(3.) [Cancelled.]

(4.) The applications will be collected for decision, on their comparative merits, twice a year, about Lady-Day and Michaelmas.

(5.) Teachers who entered on the charge of a school before 1851 will be regarded, *ceteris paribus*, as having the first claim.

(6.) The maximum number and value of pensions receivable at one time, in England and Wales, will be as follows:—

		£
947	66 pensions of 30*l.* each	1,980
	363 pensions of 25*l.* each	9,075
	518 pensions of 20*l.* each	10,360
		21,415
	Donations or special gratuities (*each year*) ..	340
		21,755

(*a*) Minutes of August 25th and December 21st, 1846, and August 6th, 1851.

But this limit of the number of pensions will not affect the claims of teachers who were employed or were recognised students in any training college before August, 1851.

(7.) The pension will be paid quarterly or half-yearly (at the option of the pensioner), on certificates proving identity and good behaviour.

(8.) No person will be eligible for a pension under this article who has accepted the Elementary School Teachers' Superannuation Act, 1898.

Provided that, if a person who has accepted the Act is proved to the satisfaction of the Board to be unable to qualify for an allowance under the Act, he may be granted a pension under this article not exceeding 20*l.* per annum.

(9.) No person who completed the 65th year of his age before April 1st, 1901, will be granted a pension under this article unless an application for a pension is made on his behalf before April 1st, 1902.

(10.) No person who was under 65 years of age on April 1st, 1901, will be granted a pension under this article unless an application for a pension is made on his behalf within three months of his attaining the age of 65.

(11.) A teacher over 65 years of age to whom a pension is granted under this article will not be recognised as a certificated teacher unless the Board, on account of his special fitness, allow his service to continue for a limited time. Application for the service of a teacher to continue may be made at the same time as the application for a pension. Such permission, if granted, will as a rule be granted for periods not exceeding one year at a time.

PART IV.

131. [Cancelled.]

132. [Cancelled.]

133. The schedules annexed to the Code have the same effect as the articles of the Code.

Given under the seal of office of the Board of Education this sixteenth day of March, in the year one thousand nine hundred and three.

(L.S.)

ROBERT L. MORANT.

SCHEDULE I.—STANDARDS OF EXAMINATION

The Schemes A. and B.

—	Standard I.	Standard II.	Standard III.
(*a*) READING . .	To read a short passage from a book not confined to words of one syllable.	To read a short passage from an elementary reading book (*a*).	To read a passage from a reading book (*a*).
(*b*) WRITING . .	Copy in manuscript characters a line of print, commencing with a capital letter.	A passage of not more than six lines, from the same book, slowly read once, and then dictated word by word.	Six lines from one of the reading books of the Standard, slowly read once and then dictated.
		In the Second, Third, and Fourth Standards (1) the examination in spelling may be separated from the exercise in Writing, and an examination in word-building leading to correct spelling may be substituted for the examination in spelling; (2) simple exercises in composition, or transcription if accompanied by word-building, may be substituted for dictation.	
(*b*)(*c*) ARITHMETIC (Scheme A.)	Notation and numeration up to 1,000. Simple addition and subtraction of numbers of not more than three figures. In addition not more than five lines to be given. The multiplication table to 6 times 12.	Notation and numeration up to 100,000. The four simple rules to short division. The multiplication table and the pence table to 12*s*.	The former rules, with long division. Addition and subtraction of money.
or			
(*b*)(*c*) ARITHMETIC (Scheme B.)	The four simple rules. Divisors and multipliers not exceeding 6. No number higher than 99 to be employed in the questions or required in the answers.	Compound rules (money). Divisors and multipliers not exceeding 12. Sums of money in the questions and answers not to exceed 10*l*.	Simple rules and compound rules (money). Divisors and multipliers not exceeding 99. No number higher than 99,999 to be employed in the question or required in the answer. Sums of money in the questions and answers not to exceed 99*l*.

N.B.—In Welsh districts—(a.) Bi-Lingual reading books may be used and the examination generally
(b.) Translation into English of an easy piece of Welsh shall, if so desired,
(c.) In the Arithmetic set to Standards I.—IV. inclusive the problems

(*a*) Reading with intelligence will be required in all the standards, and increased fluency and expression in successive years. The inspector may examine from any of the books in use in the standard, and in Standard III. and upwards, from any book or passage suitable for the purpose which he may select. The intelligence of the reading will be tested partly by questions on the meaning of what is read.

(*b*) The writing and arithmetic of Standards I. and II. may be on slates or paper, in Standard III. and upwards it must be on paper.

(*c*) The inspector may examine scholars in the work of any standard lower than that in which they are presented, and in arithmetic may require the scholars of the Fourth Standard and upwards to add columns of pounds, shillings, and pence, within a specified time, in order to show readiness and accuracy.

IN THE ELEMENTARY SUBJECTS.

are alternative.

Standard IV.	Standard V.	Standard VI.	Standard VII.
To read a passage from a reading book, or history of England (*a*).	To read a passage from some standard author, a reading book, or a history of England (*a*).	To read a passage from one of Shakespeare's historical plays, or from some other standard author, or from a history of England (*a*).	To read a passage from Shakespeare or Milton, or from some other standard author, or from a history of England (*a*).
Eight lines of poetry or prose, slowly read once, and then dictated.	Writing from memory the substance of a short story read out twice; spelling, handwriting, and correct expression to be considered.	A short theme or letter on an easy subject; spelling, handwriting, and composition to be considered.	A theme or letter. Composition, spelling, and handwriting to be considered.
Compound rules (money) and reduction of common weights and measures (*d*). In the Table of Length only yards, feet, and inches will be required in this and in the Fifth Standard.	Practice, bills of parcels, and single rule of three by the method of unity. Addition and subtraction of proper fractions, with denominators not exceeding 12. Common weights and measures (*d*).	Fractions, vulgar and decimal; simple proportion, and calculation of simple interest upon a given principal. [Questions involving recurring decimals will not be put to girls.] Common weights and measures (*d*). Mensuration of rectangles and rectangular solids; the extraction of square and cube roots is not required. (Boys only.)	Averages, percentages, and stocks.
Compound rules applied to the following weights and measures (length, weight, capacity, time). In length, yards, feet, and inches; in weight, tons, cwts., qrs., lbs., ozs.; in capacity, gallons, quarts, pints; in time, days, hours, minutes, seconds—are the only terms that will be required in this and in the Fifth Standard. Divisors and multipliers not to exceed 99.	Vulgar fractions (simple fractions only). Practice. Bills of Parcels. Common weights and measures (*d*).	Decimal fractions (excluding recurring decimals). Simple proportion or single rule of three by the method of unity. Calculation of simple interest upon a given principal. Common weights and measures (*d*). Mensuration of rectangles and rectangular solids; the extraction of square and cube roots is not required. (Boys only.)	Vulgar and decimal fractions. Averages and percentages. Investments of savings. Consols.

may be bi-lingual.
be substituted for Composition.
should be in both English and Welsh.

(*d*) The tables to be learned include those weights and measures only which are in ordinary use, viz.:—

In all Standards above the Third (except as to certain restrictions noted under Standard IV.) the tables of—
- *Weight.*—The ton, hundredweight, quarter, stone, pound, ounce, and drachm.
- *Length.*—The mile, furlong, rod or pole, chain, yard, foot, and inch.
- *Capacity.*—Quarter, bushel, peck, gallon, quart, and pint.
- *Time.*—Year, month, week, day, hour, minute, and second.

In Standards VI. and VII., but for boys only, in addition to the foregoing, the tables of—
- *Area.*—The square mile, acre, rood, square pole or perch, yard, foot, and inch.
- *Volume.*—The cubic yard, foot and inch.

The work of girls will be judged more leniently than that of boys, and, as a rule, the sums set will be easier.

Acquaintance with the principles of the metric system, and the advantages to be gained from uniformity in the method of forming multiples and sub-multiples of the unit, is required in Standards IV., V., VI., and VII.

SCHEDULE II.

Manual Instruction.

1. The Board must be informed as soon as manual instruction is commenced in connection with a school.

The conditions of a grant for manual instruction are as follows:—

(a.) The manual instruction classes must be carried on continuously throughout the whole of the school year for at least two hours weekly. It is recommended that on the days when manual instruction is taken, it should extend over the whole time of a school meeting (exclusive of the interval for recreation prescribed by article 12 (e.)), even if that exceeds two hours.

(b.) Every scholar for whom a grant is claimed must have received manual instruction for at least two hours a week for not less than twenty weeks during the school year.

(c.) The instruction must be in the use of the ordinary tools employed in handicrafts in wood or metal.

(d.) It must be given in a properly fitted workshop, wholly devoted to manual instruction.

(e.) It must be connected with instruction in drawing—that is to say, the work must be from drawings to scale previously made by the scholars under the personal supervision of the manual instructor.

(f.) Of the two hours (or more) a week, half an hour may be given to the above special instruction in drawing, and one and a half hours at least must consist of practical work at the bench.

(g.) Attendances of scholars under twelve years of age are not recognised for grant unless they were qualified to attend manual instruction under the Code of 1900, and began such instruction prior to the 1st of May, 1901.

2. Manual instruction should be given if possible by a teacher holding the certificate of the City and Guilds of London Institute, or one of the teachers' certificates for woodwork and metalwork of the Board of Examinations for Educational Handwork, or some other qualification recognised by the Board, but such qualification will not for the present be insisted on as a condition of the grant being paid. The instruction may be given by one of the regular teachers of the school or centre at which the manual instruction is given, if he is sufficiently qualified; if not, he must be assisted by a skilled artisan, and care must be taken to make such arrangements as will insure the maintenance of good order and discipline.

3. For the practical work at the bench, there must be at the least one instructor for every twenty scholars present.

4. The work of the class will be judged by an inspector at a visit or visits which he will make in the course of the school year, generally without notice.

Early notice should be sent to the inspector of any alteration of the time or times as provided in the time table for manual instruction, and also of times when the class may have to be closed for any special reason.

5. A special register of the school, or of the centre, if the instruction is given in a central school, or workshop, must be kept.

Suggestions for a course of manual instruction may be obtained from the Board on application, as also the rules for building manual instruction centres.

SCHEDULE III.

Physical Training.

(See Article 15 (a.) and (b.), and the N.B. paragraphs of that Article.)

1. Physical training should be regarded as one of the most important parts of the elementary school course. The object in view should be the healthy development of a child's frame and muscles, and not merely the acquisition of smartness and dexterity in the performance of particular forms of drill. The training should be made as interesting and varied as possible.

2. The exercises should be carefully graded, and should be adapted, as far as possible, to the age, sex, and physique of each class in the school.

3. In schools where the rooms are small, the playground unsuitable, or the staff untrained or ill-adapted for the purpose, it is, of course, impossible to carry out the training so thoroughly as in large and well-equipped schools. In view of these difficulties, the inspectors are instructed to press upon local education authorities the need of improving the conditions of the schools in these very important respects, and of engaging, for the purpose of physical training, competent men or women instructors outside the school staff, wherever this training, from whatever reason, cannot be properly given by the regular school staff.

4. As a general rule it is desirable that the regular teachers of the school, to whom the children are accustomed, should give the physical training. Teachers should accordingly be encouraged to

attend training courses conducted by approved instructors, so as to become proficient in this important part of the elementary school work. For the same reason, local authorities should be advised to organise central classes, for women as well as for men teachers; and training colleges for either sex should make proper provision for all their students in this respect.

5. The "Model Course of Physical Training" issued by the Board in 1901, and obtainable from Messrs. Eyre and Spottiswoode, East Harding Street, Fleet Street, E.C., may be taken as a general guide for all courses of physical exercises in the upper classes of elementary schools. Alternative courses, more specially planned for boys' or for girls' classes, or to meet difficult conditions occasionally attaching to rural schools at the present time, may be submitted for the approval of the inspector, where circumstances render it desirable. Introductory courses for younger children may be submitted in the same way. No courses, however, may be adopted by managers which the inspector cannot approve as based on sound hygienic principles, as suitable to the age and sex of the particular scholars for whom they are intended, and as calculated to develop properly and harmoniously the various parts of the body.

6. The course of physical training should be carried on continuously throughout the school year for not less than one hour in each week for each class, and for not more than one half-hour for each class on any one day. The instruction should not occupy any part of the time given to recreation (article 12 (e.)).

7. The instruction should, wherever possible, be carried on in the open air. Where outdoor space is not available, it should be given in the central hall, and, where there is no central hall, it is recommended that a room should, if possible, be cleared for the purpose. The instruction should not be given (if it can possibly be avoided) while the children are at the desks, since each child should be able to move every limb to its fullest extent without fear or possibility of striking any person or object.

8. The utmost promptitude, and the most precise and vigorous movement, should be aimed at. In the lower classes, in which correct position and movement can only be secured by individual attention, the number of children under the instruction of any single teacher at any one time should be small. In the higher classes the number under instruction at the same time may be considerable, provided the teacher is competent.

9. Teachers in many schools have devoted themselves most successfully to organising regular games for the scholars out of school hours, such as cricket and football. These are a most desirable supplement to, though from their nature they cannot be regarded as a substitute for, physical training in the strict sense. Such efforts should be encouraged in every way. While games cannot

be recognised under the school time table of instruction, in respect of which grants are paid by the Board, they are of the utmost importance in the school life of the child, and are moreover of great value in improving not only the physique of the scholars, but also what may be called the "tone" of the school.

SCHEDULE IV.

EXAMINATIONS AND CERTIFICATES RECOGNISED FOR SPECIAL PURPOSES.

A.

The following examinations are recognised by the Board under articles 35 and 40. Arts. 35 and 40.

1. The Oxford Local Examination for Junior Students.
2. The Cambridge Local Examination for Junior Students.
3. The Examination for Second Class Certificates of the College of Preceptors.
4. The Junior Certificate Examination of the Central Welsh Board.

Other examinations may be recognised from time to time by the Board for the purpose of articles 35 and 40 if the Board are satisfied that they provide adequate tests of the fitness of the candidates for their subsequent education and training as pupil teachers.

B.

The following examinations are recognised by the Board under article 41 (f.) and article 51 (b.). Arts. 41 (f.) and 51 (b.).

1. The Higher Certificate of the Oxford and Cambridge Schools Examination Board (provided that the candidate has passed in English or History).
2. The London University Matriculation Examination.
3. The Victoria University Preliminary Examination.
4. The Birmingham University Matriculation Examination.
5. The University of Wales Matriculation Examination.
6. The Durham University Examination for certificates of proficiency in general education (provided that the candidate has passed in History or Geography).

7. The Examination for the Vice-Chancellor's Certificate of the Oxford University Extension.

8. The Cambridge University Extension Examination for certificates of affiliation to the University.

9. The Cambridge University Examination for the Vice-Chancellor's Certificate of Systematic Study, including the examination in Mathematics and Language.

10. The Oxford University Higher Local Examination.

11. The Cambridge University Higher Local Examination.

12. The Oxford University Local Examination for Senior Students (provided that English is included among the groups in which the candidate has passed).

13. The Cambridge University Local Examination for Senior Students (provided that English is included among the groups in which the candidate has passed).

14. The Durham University Local Examination for Senior Students (provided that (1) English, including either Literature or History, and (2) Euclid or Algebra are among the subjects in which the candidate has passed).

15. The College of Preceptors Examination for the Diploma of Associate.

16. The First Class Certificate of the College of Preceptors (provided that the candidate has passed in (1) English History or Geography, and (2) in Euclid or Algebra).

17. The Senior Certificate Examination of the Central Welsh Board (provided that the candidate has passed in (1) Elementary Mathematics, and (2) in English Literature or History).

18. The Leaving Certificate Examination of the Scotch Education Department provided that a Higher Grade Certificate is obtained in at least three subjects (of which one must be English, including History and Geography, one Mathematics, or, for girls, Higher Arithmetic, or Lower Mathematics with Higher Arithmetic, and one an ancient or modern foreign language).

*19. The Edinburgh University Local Examination for Senior Certificate.

*20. The Aberdeen University Local Examination for Senior Certificate.

*21. The Aberdeen Higher Certificate for Women.

*22. The St. Andrew's L.L.A. Examination for Women.

* Provided that, in each of the examinations 19-22 above, the certificate obtained includes a pass in at least three subjects, of which one must be English (including History and Geography), one Mathematics, or, for women, Higher Arithmetic, and one an ancient or modern foreign language.

23. The Royal University of Ireland Matriculation Examination.

24. The Trinity College Dublin Matriculation Examination.

25. The Trinity College Dublin Examination for Women for Certificates of Dublin University.

26. The London University School-leaving Certificate Examination.

27. (*For Teachers in Infants' Schools or Classes only.*) (a.) The examination for the Elementary or Higher Certificate of the National Froebel Union. (b.) The 1st class certificate of the Manchester Kindergarten Association.

C.

The following Certificates in the Theory and Practice of Teaching are recognised by the Board under the proviso to article 60 (b.). Art. 60 (b.).

1. The Diploma of the University of Oxford in the Theory, History, and Practice of Education.

2. The Certificate of the University of Cambridge in the Theory, History, and Practice of Teaching, if accompanied by the Certificate of Practical Efficiency in Teaching.

3. The Teacher's Diploma of the University of London.

4. The Durham University Certificate of the Theory and Practice of Teaching.

5. The Teacher's Diploma of the Victoria University.

6. The Diploma of Associate, Licentiate, or Fellow of the College of Preceptors, if accompanied by the Special Certificate of ability to teach.

7. Schoolmaster's Diploma granted to Graduates by the University of Edinburgh.

8. The Diploma of the University of Dublin in Theoretical and Practical Teaching.

D.

The following examinations are recognised by the Board for the purpose of article 115 (d.). Art. 115 (d.).

1. The Higher Certificate Examination of the Oxford and Cambridge Schools Examination Board in subjects approved by the Board (*a*).

2. The Oxford University Higher Local Examination.

3. The Cambridge University Higher Local Examination.

4. The London University Matriculation Examination.

5. The Victoria University Preliminary Examination.

6. The Birmingham University Matriculation Examination.

7. The University of Wales Matriculation Examination, if the candidate passes in all five subjects at one examination.

8. The Oxford University Senior Local Examination (Honours) in subjects approved by the Board (*g*).

(*a*) A form stating these subjects may be obtained on application to the Board.

9. The Cambridge University Senior Local Examination (Honours) in subjects approved by the Board (*a*).

10. The Senior Certificate Examination of the Central Welsh Board, if the certificate is obtained in such and so many subjects in combination as are recognised by the University of Wales as equivalent to the Matriculation Examination of the University.

11. The Royal University of Ireland Matriculation Examination.

12. The School-leaving Certificate Examination of the University of London.

13. The Durham University Senior Local Examination (Honours) in subjects approved by the Board (*a*).

14. Any corresponding or higher examination approved for the purpose by the Board.

E.

The following are the training schools of cookery, laundry-work, dairy-work, and household management, the certificates of which are recognised by the Board under article 101 (g.), (h.), (i.), and (m.).

1.—COOKERY (ART. 101 (g.)).

Aberdeen. (*Discontinued.*)
Birmingham, Midland Institute.
Birmingham, National Society's.
Chester.
Devon County Council.
Dorset County Council.
Dublin.
East Suffolk County Council. (*Discontinued.*)
East Sussex Technical School for Women and Girls
Edinburgh.
Glasgow, West End.
Lambeth, National Society's.
Liverpool.
Manchester School of Domestic Economy.
National Training School of Cookery (*formerly known as South Kensington School of Cookery*).
National Union for the Technical Education of Women in Domestic Sciences, with the following branches—
Bath.
Battersea Polytechnic.

(*a*) A form stating these subjects may be obtained on application to the Board.

Berkshire. (*Discontinued.*)
Blackburn. (*Discontinued.*)
Brecon. (*Discontinued.*)
Bristol.
Cambridge. (*Discontinued.*)
Chester. (*No longer in connection with the National Union.*)
Chesterfield. (*Discontinued.*)
Derbyshire. (*Discontinued.*)
Glasgow.
Gloucestershire.
Leeds.
Leicester. (*No longer in connection with the National Union.*)
Liverpool. (*No longer in connection with the National Union.*)
Midland (*Birmingham*). (*Discontinued.*)
Preston.
Sheffield.
Wakefield. (*Discontinued.*)
Wiltshire. (*No longer in connection with the National Union.*)
Wolverhampton. (*Discontinued.*)
Norfolk and Norwich.
Northamptonshire (*Northampton*). (*Discontinued.*)
Northern Counties (*Newcastle-on-Tyne*).
North Midland (*Leicester*).
Nottingham Technical School for Women. (*Discontinued.*)
Salisbury. (*Discontinued.*)
South Wales and Monmouth (*Cardiff*).
Staffordshire County Council.
Watford Heath Elementary School Kitchen. (*Discontinued.*)
Wiltshire.

2.—Laundry-work (Art. 101 (h.)).

Aberdeen.
Birmingham, National Society's.
Chester.
Dublin.
Edinburgh.
Glasgow, West End.
Lambeth, National Society's.
Liverpool.
London School Board and City and Guilds Institute. (*Discontinued.*)
Manchester School of Domestic Economy.

National Training School of Laundry-work (*formerly known as South Kensington School of Cookery, &c.*).
National Union for the Technical Education of Women in Domestic Sciences, with the following branches—
Bath.
Battersea Polytechnic.
Bristol.
Glasgow.
Gloucestershire.
Leeds.
Liverpool. (*No longer in connection with the National Union.*)
Sheffield.
Wakefield. (*Discontinued.*)
Wiltshire. (*No longer in connection with the National Union.*)
Norfolk and Norwich.
Northern Counties (*Newcastle-on-Tyne*).
North Midland (*Leicester*).
Nottingham Technical (*School for Women*). (*Discontinued.*)
Preston.
South Wales and Monmouth (*Cardiff*).
Wiltshire.

3.—Dairy-work (Art. 101 (i.)).

Bath and West and Southern Counties' Agricultural Society.
British Dairy Farmers' Association.
Durham College of Science (*Newcastle-on-Tyne*).
Eastern Counties' Dairy Institution.
Midland Dairy Institute.
University College of North Wales (*Bangor*).
University College of Wales (*Aberystwith*).
University Extension College, Reading.
Warwickshire County Council Dairy Farm (*Warwick*).
The National Diploma in Dairying issued by the Royal Agricultural Society is also recognised under this article.

4.—Household Management (Art. 101 (m.)).

Edinburgh.
Lambeth, National Society's.
Liverpool.

National Union for the Technical Education of Women in Domestic Sciences, with the following branches—

Bristol.
Glasgow.
Gloucestershire.
Leeds.

South Wales and Monmouth (*Cardiff*).

SCHEDULE V.—Certificates and Examinations of

	1. Health (*a*), and Character.	2. Reading and Recitation.
Candidates for a Three Years' Engagement.	Certificate from medical practitioner in a form prescribed by the Board, except in the case of Candidates at the end of a year of probation. Certificate of good character.	To read a passage from the prose work and to recite 70 lines from the poem named below. In Welsh districts, to read in Welsh and English, and to recite 50 lines of Welsh (or English) poetry, and to give the English (or Welsh) equivalent for words or short phrases in the piece selected. For 1903. Prose—Any one of the Waverley Novels. Poem—The Elegy in a Country Churchyard and the Ode on the Spring.
Candidates for a Two Years' Engagement.	As above.	To read as above and to recite 100 lines from the poem named below. In Welsh districts, to read as above and to recite 60 lines of Welsh (or English) poetry, and to give the English (or Welsh) equivalents for words or short phrases in the piece selected. For 1903. Prose—Any one of the Waverley Novels or of Macaulay's Essays. Poem—Cowper, The Task, Book V. down to "Not to the man who fills it as he ought."
Candidates for One Year's Engagement.	As above.	To read and recite as above. In Welsh districts, to read as above and to recite 80 lines of poetry (half of which must be in English), with translation of words and phrases. For 1903. Prose—Any one of the Waverley Novels or of Macaulay's Essays. Poem—Paradise Lost, Book III.

(*a*) Scrofula, fits, asthma, deafness, great imperfections of the sight or voice, the loss of an eye from constitutional disease, or the loss of an arm or leg, or the permanent disability of either arm or leg, curvature of the spine, hereditary tendency to insanity, or any constitutional infirmity of a disabling nature, is a positive disqualification in candidates for the office of pupil teacher.

Candidates for Admission as Pupil Teachers.

3. English.	4. History.	5. Geography.	6. Arithmetic.
Analysis of easy sentences, and parsing; knowledge of the ordinary terminations of English words. A short theme or essay. In Welsh districts, analysis of easy sentences and parsing; knowledge of the ordinary terminations of Welsh words. A short theme or essay in Welsh. The exercises in English grammar and composition will be based upon the poem prescribed in column 2.	General outlines of English History.	Chief physical features of the globe. The British Isles.	Arithmetic including vulgar and decimal fractions, and simple proportion. Practice.
Parsing, construction, and analysis of sentences. First elements of etymology. An explanation of the meaning of a short passage from the prescribed poem, *or* A short essay. In Welsh districts, parsing, construction, and analysis of sentences; knowledge of the ordinary terminations of English words. Translation from Welsh into English of a short easy passage. The exercises in English grammar and composition will be based upon the poem prescribed in column 2.	English History from King Alfred to Queen Elizabeth, both inclusive. In Welsh districts, one question will be set on the history of Wales prior to the Union with England.	Europe and Asia, with special reference to France, Germany, and the Indian Empire.	The preceding, with proportion and its application to simple interest and percentages. The principles of the metric system.
Parsing, construction, and analysis of more difficult sentences. Elementary history of the English language. Common errors in language written or spoken. An explanation of a short passage from the prescribed poem, *or* A short essay. In Welsh districts, parsing and analysis with knowledge of Welsh and English prefixes and affixes generally. Translation from Welsh into English of a short passage. The exercises in English grammar and composition will be taken from the poem prescribed in column 2.	English History from 1603 to 1870. In Welsh districts, one question will be set on the history of Wales generally.	Africa, America, and Australasia, with special reference to the chief British Colonies and dependencies, and the United States.	Arithmetic generally, including measurement of rectangular areas and solids.

N.B.—At the collective examination, candidates will be examined in English History, Geography, Arithmetic, Euclid and Algebra, Elementary Science, Music (Theory), and Needlework.

In any subject questions may be given on the work for the previous year, or on the method of teaching the subject.

Candidates will also as a rule be examined in Reading and Recitation, unless they have previously performed these exercises before the Inspector.

SCHEDULE V. *cont.*—CERTIFICATES AND EXAMINATIONS OF

	7. Euclid and Algebra. (Boys.)	8. Elementary Science (*a*). (Optional.)
Candidates for a Three Years Engagement.	—	Physiography.—Matter.—Forms of Matter. Indestructibility of matter. Mass, volume, density, specific gravity, and weight. Centre of gravity. Force, Motion, and Inertia.—The parallelogram of forces. Composition and resolution of forces. Conversion of rectilinear into circular motion. The Mechanical Powers.—Principles of the lever, the pulley, the inclined plane, and the screw. Pressure of Liquids, Boyle's Law, the Barometer, Syphon, Common Pump, and Air-pump.
Candidates for a Two Years' Engagement.	Euclid, Book I., to Proposition 26, inclusive, with simple exercises. Algebra. First four rules, with easy equations and problems.	Physiography.—Heat and Temperature.—Discrimination between heat and temperature. Effects of heat. The measurement of temperature by thermometers. Change of state caused by heat as in ice, water, and steam. Radiation.—Rectilinear propagation of radiation. Reflection and refraction of radiation. The analysis of light by a prism, and its recomposition. The colour disc. The visible spectrum.
Candidates for One Year's Engagement.	Euclid, Book I., with simple exercises. Algebra. The preceding, with G.C.M., L.C.M., fractions, equations of two unknown quantities, and easy problems.	Physiography.—Chemical Composition of Matter.—Mixtures and compounds, Water; its composition proved by analysis and synthesis; its physical properties. Elementary properties of oxygen, nitrogen, hydrogen, carbon, iron and mercury; and of water, carbon-dioxide, lime, silica, and the alkalis, common salt, iron oxide, and mercuric oxide. Terrestrial Magnetism.—Properties of the loadstone and artificial magnets. The earth a magnet. Primary laws of magnetic attraction and repulsion. Dip. The earth's magnetic poles.

N.B.—Wherever in this Schedule an alternative scheme is mentioned for Welsh districts, it is to be understood that the alternative is optional for the Candidate.

(*a*) More detailed information as to Physiography will be found in a Syllabus contained in the Regulations of the Board, or to be procured separately on application to the Secretary, Board of Education, South Kensington, S.W.

CANDIDATES FOR ADMISSION AS PUPIL TEACHERS.

9. Music (Theory). Where suitable means of Instruction exist.	10. Needlework. (Girls). (a.) Worked exercises to be shown to the Inspector (α).	(b.) Materials to be provided for the Collective Examination.
Staff Notation. Notes, their shape and relative value. The treble and bass staves. The scales of C, G, and F major. Intervals found in the major scale. Minims, crotchets, quavers, and equivalent rests, $\frac{2}{4}\frac{3}{4}\frac{2}{4}\frac{3}{4}$ $\frac{4}{4}\frac{2}{4}\frac{2}{4}\frac{2}{4}$ time. *Tonic Sol-fa Notation.* The common major scale, its structure and intervals. The standard scale of pitch. Mental effects, and how they are modified. Accent. Two, three, and four pulse measure. Whole pulse notes, half pulse notes, and continuations, and rests of the same value.	1. A small nightgown or a man's nightshirt. 2. A hole mended (common method) in stocking-web material. 3. Paper patterns (cut out and tacked together) of the garments named in paragraph 1; measurements to be stated.	1 piece of calico 9 inches square, 1 piece of stocking-web material 4 inches square, 1 piece of tape 2½ inches long, 1 linen button (unpierced), suitable needles and sewing cotton, 1 sheet of lined paper.
Staff Notation. All the major scales and signatures. Dotted notes. Tied notes. Semiquavers, Triplets. $\frac{3}{8}\frac{6}{8}$ and $\frac{9}{8}$ time. *Tonic Sol-fa Notation.* First removes of key. Bridge notes. Six and nine pulse measure. Quarter pulse notes and rests. Thirds of a pulse.	1. A girl's overall or a woman's cooking apron. 2. A patch in calico, one in print, and one in flannel. 3. A reduced and an enlarged pattern, in paper or material, of the garment selected for the year's work. The pattern to be cut out and tacked together; measurements to be stated.	1 piece of calico 9 inches square, 1 piece of print 6 inches square, 1 piece of flannel 6 inches square, 1 piece of tape 2½ inches long, 1 linen button (unpierced), suitable needles and sewing cotton, 1 sheet of sectional paper and a sheet of lined paper.
Staff Notation. Various forms of the minor scale. The scales and signatures of C minor, D minor, E minor, and G minor. Intervals found in the minor scale. Common musical terms. *Tonic Sol-fa Notation.* The minor scale and the intervals found in it. Names of chromatic notes. Relative pitch of keys. Common musical terms.	1. A gored flannel petticoat or an infant's long flannel. 2. A three-cornered (or hedge-tear) darn on woollen material, and a cross-cut (or diagonal) darn on coarse linen. 3. Paper patterns (cut out and tacked together) of the garments named in paragraph 1. 4. A knitted sampler showing the intakes at the back of a stocking, the turning of a heel, and the decreasings and finishing off of a toe, or a complete stocking.	1 piece of calico 9 inches square, 1 piece of coarse linen 4 inches square, 1 piece of woollen material 4 inches square, 1 piece of flannel 6 inches square, 1 piece of flannel binding ¼ yard, 1 piece of tape 2½ inches long, suitable darning and sewing needles and cotton, 1 sheet of lined paper, 4 knitting pins and knitting cotton.

N.B.—It is recommended that pupil teachers shall take a course of instruction in drawing during their engagement leading up to the requirements of the King's Scholarship Examination.

Pupil teachers may be examined at the annual examinations of the Board in April, May, or June, in freehand and model drawing, in drawing in light and shade from a cast, and in geometrical drawing (see Syllabus in the Regulations of the Board).

For detailed information respecting these examinations application should be made to the Secretary, Board of Education, South Kensington.

Payments of 15*s.* for a success in the freehand, model, and shading from a cast, and of 10*s.* for a success in geometrical drawing (Art), are made on account of each pupil teacher who has been taught drawing in the school.

No payment is made on account of a pupil teacher for whom payment has been previously made for the same or a higher success in the same subject; and the payment for a success is reduced by the amount which has been previously paid on account of the same pupil teacher for a second class in the same subject.

No payment for Drawing is made on account of pupil teachers admitted on or after the 1st July, 1900.

(α) (1) In all cases the specimens, garments, and drawings shown to the Inspector must be done without assistance, and presented as they left the worker's hands. All garments must have been cut out by the makers. (2) The garments should be of plain, simple patterns, showing intelligence and good workmanship, but without elaborate detail. (3) Whenever a child's garment or the pattern of a child's garment is made, the height of the child for whom the garment is intended should be stated. (4) Only one of the two garments mentioned in paragraph 1 in this column need be made up by the candidate, but the measurements and manner of making up the other garment must be learnt by her.

Candidates will not be required to show worked exercises to the Inspector, but credit will be given for such exercises, and the candidates will be expected to show their knowledge of the work specified above at the collective examination.

SCHEDULE VI.

CLAUSES REQUIRED IN ALL ENGAGEMENTS OF PUPIL TEACHERS.

1. The pupil teacher shall serve in school under the head teacher during some portion of the usual school hours, but not for more than five hours on any one day, nor for more than twenty hours in any one week. Sunday is expressly excluded from the engagement.

2. The engagement shall begin on the first day of January, or July, 19 , and shall end on the last day of December, or June, 19 : provided that

(a.) the engagement shall determine, if the pupil teacher enters a training college as a King's scholar before the last-mentioned date;

(b.) the engagement may by mutual consent be extended for one year if the pupil teacher defers the final examination under article 41 (f.) of the Code.

3. The pupil teacher shall receive throughout the engagement, from a certificated teacher or other qualified teacher approved by the Board, special instruction in the subjects required for the final examination prescribed under article 41 (f.). Such instruction shall be given for at least five hours in each week, but not more than three hours on any one day on which the pupil teacher serves in the school.

SCHEDULE VII.

SCHOOL RECORDS.

1. The Code requires that schools shall be furnished with suitable registers, a diary or log-book, and a school portfolio. These books are the property of the school. The name of the school, and in the case of registers, that of the department or class, should be distinctly written on the cover of each register. The entries must be original and not copied. They must be made in ink, without erasures or insertions. If it is necessary to make any correction, this should be done in such a manner that the original entry and the alteration made are both clear on the face of the record. The entries should be consecutive, with no blank spaces left between them. Registers should be preserved for ten years after they are filled.

2. The registers required for every school or department are:—

(a.) A register of admission, progress, and withdrawal.

(b.) Attendance registers.

(c.) A register of summaries.

The pages of these registers must be numbered consecutively.

Each register should be signed on the title-page by the correspondent of the school, with the date at which it was supplied to the teacher. No leaf should be withdrawn from, or inserted in, any register. The head teacher of a school or department is held responsible for the proper keeping of the records of that school or department, and should not delegate to any subordinate the keeping of any of these registers, except those of attendance. Pupil teachers who have completed their first year may register the attendance of their own classes; but a first-year pupil teacher may not be employed in registration.

3. The managers are held responsible for the efficient verification of the registration. Form 9 contains certificates to be signed by managers, (1) that the registers have been accurately kept in accordance with this schedule; and (2) that the accuracy of the registers has been tested by the managers on several occasions and the result recorded in the log-book. In order that managers may be able to give these certificates they are required to visit the school without notice, at least once in every quarter, at some time when the attendance registers should have been marked and added up for that meeting of the school, and to check the entries. This should be done by ascertaining (1) that each of the children present at the time of marking has been marked present, and each of the children not so present has been marked absent; (2) that the totals of these attendances have been duly entered; (3) that the instructions for the keeping of these registers, hereafter laid down, have been fulfilled; and (4) that the admission register and summary have been properly kept up to date. The result of each such visit should be entered by the visiting manager in the log-book, dated, and signed by him. The managers should also, at the end of the year, check the number of times the school has been opened, and also a sufficient number of the attendance totals (at least 10 per cent.) to convince themselves of the accuracy of the registration.

Admission Register.

4. The entry for each scholar should be made in this register *on his admission* to the school. Successive numbers must be allotted to the scholars on their admission, so that each may have his own number, which he should retain throughout his career in the school, and which should be used to identify him. This will be specially useful when there are two or more scholars of the same name. When more than one entry is made for the same scholar that is to say, when he has been admitted and re-admitted, he should resume his old number, and cross references should be made to the entries.

This register should have an alphabetical index.

5. No child's name should be removed from this register until he has become exempt from legal obligation to attend school, unless it has been ascertained that he is dead, is attending another school, or has left the neighbourhood. If no information can be obtained the name may be removed after a continuous absence of four weeks.

6. This register must show distinctly for each scholar who has actually been present in the school—

(a.) His number on the register.

(b.) The date of his admission (and re-admission)—day, month, and year.

(c.) His name *in full*.

(d.) The name and address of his parent or guardian.

(e.) Whether exemption from religious instruction is claimed on his behalf.

(f.) The exact date of his birth—day, month, and year.

(g.) The last school he attended before entering this school. If this is his first school, the word "none" should be entered in this column.

(h.) If he has left, the date of his last attendance at *this* school and the cause of his leaving.

Attendance Registers.

7. In each school or department separate registers should be provided for older scholars and for infants. The attendances of all children who are being taught with the older scholars or with the infants must be entered in the corresponding register, and no attendance must be transferred from one register to the other. The infant registers must show the attendances of infants under five separately.

In small infants' schools and classes two registers should be kept, one of children under five and one of children over five years of age.

In large schools it will probably be necessary to have two registers for those classes of infants which contain some children below and some above five years of age.

Strictly speaking, the transfer from one register to the other should be made on the child's fifth birthday; but a sufficient degree of accuracy will be attained if at the end of each week, when the summary is made up, the teacher transfers the names of all children who have reached the age of five during the week.

8. Separate registers should be provided for recording the attendance of scholars at special classes for instruction in any of the subjects mentioned in article 12 (f.). These registers should show accurately the dates on which the class meets and the time during which the scholar is under instruction at each meeting; and those for cookery classes should also distinguish between attendances at

demonstrations and time spent by the scholars in cooking with their own hands.

9. The approved time-table must provide adequate time at each meeting of the school for marking the registers, and they must be marked and the attendance totals entered during the time so provided. This time must end before the commencement of the minimum time constituting an attendance as defined by the Code, after which the register must be closed, and no scholar may be marked present except as provided in paragraph 12.

The marking of the registers for the afternoon meeting may not commence within an hour of the close of the morning meeting, except on occasions for which the special sanction of the Board has been given to a shorter interval. This proceeding is generally very undesirable, but special cases may occur, such as those of country schools in the North during the winter, where there is good reason for making the afternoon meeting of the school follow the morning meeting after a short interval.

10. There must be columns for the admission numbers and names of the scholars, both of which must invariably be entered at the same time, and a column for the attendances at each meeting in the school year, which column should be properly dated *before any entry of attendances or absences is made in it*. These attendance columns should be grouped in weeks, and at the foot of them should be spaces for totals of the number present when the registers were marked and the number withdrawn before the time constituting an attendance is complete. There is no need that the weekly total of attendances of each scholar should be entered; but the total attendances of each quarter should be recorded.

If school fees are entered in the register, they should be kept quite separate from the entries of attendances: the best place will be the extreme left of the page before the names of the scholars.

11. Every scholar whose name has been entered in the admission register and not removed from that register must be definitely marked \ (present) or (absent) at every meeting of the school.

12. When a scholar leaves before the completion of the minimum time prescribed by the Code, his mark of presence must be cancelled immediately on leaving by drawing a ring round it thus, and his attendance must be deducted from the total. But this need not be done in the case of a scholar leaving the school for instruction in any of the subjects mentioned in article 12 (f.), unless it is subsequently ascertained that such scholar has not completed the minimum time constituting an attendance. Any scholar

marked absent at any meeting who is found—when the registers of a central class for cookery, drawing, science, etc., or the registers of attendance at museums or other approved places are examined—to have been present during the minimum time constituting an attendance at such class or partly at such class and partly at the school, may have the letter C, D, S, M, A, &c., entered inside the mark of absence, thus, (C) (D) (S) (M) (A). All attendances so registered should be added to the total attendances of each child at some time not later than the end of the year.

When a child is prevented from attending the school by reason of a notice of a sanitary authority under article 88 of the Code, or any provision of an Act of Parliament, or is excluded under medical advice his mark of absence should be entered thus, (E) (epidemic sickness).

13. At each meeting the total number of scholars marked present should be checked by counting those actually present before the correct total is entered at the foot of the register.

The number of scholars who have left any meeting before completing their attendances (see paragraph 12 above) must be entered before the close of each meeting.

14. When the school does not meet on an occasion for which space is provided in the registers, this space must before the next meeting be cancelled by one or more lines being plainly drawn through it. The reason why the school did not meet should always appear in the log-book. For longer periods "holiday" should be written across the column.

15. The attendance registers must be marked every time the school meets, however small the attendance, and the meeting must be counted in ascertaining the average attendance.

N.B.—In country districts, where the children have to come from some distance to attend school, a meeting of the school may occasionally be abandoned without previous notice on days when, owing to inclement weather, the attendance is so small as seriously to interfere with the ordinary working of the school.

In such a case, the children who reach the school so wet that sitting in school for the usual school hours is likely to be injurious to their health, should be sent home at once. The children not likely to be injured by remaining for the usual school hours may be admitted and allowed to receive instruction without the registers being marked or the meeting reckoned. Whenever this is done, full particulars of the circumstances must be entered in the log-book, and a record should be kept of the numbers sent home and retained in school respectively.

Half-time Registers.

16. A separate register must be provided for half-time scholars. The name of no scholar may be entered on this register unless he has obtained a labour certificate from the local authority of the district, and is actually employed in conformity with such certificate.

17. In this half-time register will be posted, at the close of each week, the number of the attendances made by each of the half-time scholars during the week.

18. The class registers will be marked for half-time scholars just in the same way as for other scholars, presence *for not less than two hours of secular instruction* being marked by a stroke, and the entry for the week in the half-time register will be the number of such *two-hour attendances* made during the week.

19. At the end of the year a list will be drawn up and signed on behalf of the local authority, certifying (a) the number of two-hour attendances made by each half-time scholar, (b) the addition claimed on his behalf. This addition may not exceed—

(i.) *One-half* of the two-hour attendances made by the scholar during the year, or during the portion of the year that has elapsed since the scholar became qualified as a half-timer; or

(ii.) Such a number as when added to the number of his two-hour attendances will give a total equal to *three-fourths* of the number of meetings of the school during the year, or during the portion of the year that has elapsed since the scholar became qualified as a half-timer.

20. In form 9 there should be entered in the spaces provided for the purpose—(1) the total number of two-hour attendances, whether made by half-time or whole-time scholars; (2) the average attendance found by dividing this number by the number of meetings of the school; and (3) the additional attendances claimed for half-timers under the rules laid down in the preceding paragraph. The average attendance, which will be the basis of the grant, will be calculated from the above data by the Board.

Register of Summaries.

21. The attendance totals of each class and department, for each week or part of a week, the number of times each department has been open for the same periods, and the average attendance of each department for these periods should be entered in the register of summaries *at the close of each week*.

At the end of the school year the total number of attendances and meetings for that year should be ascertained for each school or department. A separate summary of the attendances of children under five years of age must be given for infant schools or classes.

The average attendance for the year should also be ascertained

for each section of the school for which separate returns are required by dividing the total number of attendances in the year by the number of meetings of the school in that year.

The summary should also show the number of scholars on the registers at the end of the school year classified as required by form 9.

Log-Book.

22. The log-book should be stoutly bound and contain not less than 300 ruled pages. It must be kept by the principal teacher, who should enter in it, from time to time, such events as the introduction of new books, apparatus, or courses of instruction, any plan of lessons approved by the Board, the visits of managers, absence, illness, or failure of duty on the part of any of the school staff, or any special circumstance affecting the school that may, for the sake of future reference or for any other reason, deserve to be recorded. No reflections or opinions of a general character are to be entered in the log-book.

Entries in the log-book should be made by the head teacher at the end of each school week, and at such other times as occasion may require. No entries should be made by other persons except by the correspondent, by the managers who check the registers periodically, and by the inspector.

The log-book should contain an explanation of the reason for the closing of the school on all occasions on which it is closed. It should also contain an account of all important variations in the attendance, and all deviations from the ordinary routine of the school.

SCHEDULE VIII.

COMPARISON OF THE CODE FOR 1902 WITH THE PROVISIONAL CODE FOR 1903.

[*See Article* 132 *of the Code for* 1902.]

(A.) Articles of the 1902 Code which are cancelled in the 1903 Code—1, 2, 6, 7, 23, 43, 44, 45, 57, 64, 65, 66, 71 (small print), 72, 80 (small print), 84, 85e, 87 (small print), 89, 108, 109 130 (3), 131, 132.

Also Appendix A.

(B.) Articles of the 1902 Code which are modified in the 1903 Code.—5, 5*, 8 (transferred to 85), 9, 10, 12 (f.) N.B., 12 (g.) (ii.), 13, 18, 19, 20, 21, 22, 24, 30, 33, 34, 35, 36, 37 (small print), 40, 41 (a.) to (f.), 48, 49*, 50, 51 (c.), 57*, 58, 60, 60 (b.), (c.), 61, 62, 63, 67, 68, 71 (small print), 73, 76, 77, 79, 80, 81.

82 (a.) and (c.), 85 (a.), 85 (a.), N.B., 85 (d.), 86 (1) (2) (3), 87*, 88, 93, 94, 97 (small print), 101*, 102, 110 (2) (iii.), 110 (8) (i.) (iii.), 110 (9) (13) (14), 111, 128, 133.

Also Schedules I. to VI., and Appendix B.

(C.) New Articles established in the 1903 Code.—

9 (a.) (b.), 22 (b.), 51 (d.), 60 N.B., 68 (small print), 71*, 82 (d.), 101* (second paragraph), 128 (d.).

Also Schedule VII. (transferred, with modifications from the Revised Instructions applicable to the Code of 1902) and Schedule VIII.

DAY INDUSTRIAL SCHOOLS.

INSTRUCTIONS AND REGULATIONS.

Managers of a day industrial school desiring to have their school certified under the Order in Council of the 20th day of March, 1877, must make an application for the purpose to the Secretary of State.

The application must specify—

(a.) The name and locality of the school.

(b.) The constitution and powers of the governing body.

(c.) The religious denomination (if any) with which the school is connected.

(d.) The conditions of age, sex, health, &c., under which it is proposed to receive children into the school.

(e.) The maximum number of such children, and any other particulars that may be deemed advisable.

The application must be accompanied by plans of the buildings and premises of the proposed school. Such plans must show the area, height, and connection of the rooms, the external offices and conveniences attached to the buildings, and necessary details as to the drainage and ventilation, and as to the arrangements for the officers.

The plans will not be approved unless the following conditions are complied with—

(a.) *Site.*—There must (except in case of special circumstances) be attached to the school an extent of ground sufficient for the exercise and recreation of the children and to secure free ventilation.

(b.) *Drainage.*—Proper provision must be made for drainage.

(c.) *Internal Space.*—The schoolroom and day-rooms must each be of such dimensions as to allow 10 square and 100 cubic feet for each child present therein.

(d.) *Lavatories.*—Sufficient lavatory accommodation must be provided.

If on the favourable report of the inspector a certificate be granted for the school, the rules of the school must be submitted for the Secretary of State's approval.

The rules must specify—

(a.) The name and locality of the school;

(b.) The constitution and powers of the governing body;

(c.) The religious denomination (if any) with which the school is connected;

(d.) The conditions of age, sex, health, &c., under which children will be received into the school;

and must embody the following regulations:—

1. *Number.*—The number of children in the school shall not at any time exceed the number for which the certificate has been granted, except with the special sanction of the Secretary of State.

2. *Hours of Attendance.*—The school hours shall be from 8 a.m. to 6 p.m., but the school shall be open to receive children at any time in the morning after 6 a.m.

3. *Dietary.*—The children shall be supplied with one or more meals a day of plain wholesome food according to a dietary to be approved by the inspector.

4. *Instruction.*—The secular instruction shall consist of reading, spelling, writing, dictation, arithmetic, and vocal music, and as far as practicable the elements of geography and English history.

It shall be given for three hours daily.

The religious instruction may be in accordance with the religious denomination of the school, or if the school is connected with no religious denomination, the daily course shall include simple family worship, hymns, and the reading of the scriptures, with explanations and instruction suitable to the age and capacity of the children attending the school. But this rule is subject to the 23rd clause of the said Order in Council which provides that no child shall attend any religious observance or any instruction in religious subjects to which observance or instruction his parent objects.

5. *Industrial Training.*—The industrial training shall be, for boys, farm or garden work or any common trade or handicraft; for girls, needlework, house-work, cooking, and, so far as practicable, training in household duties.

6. *Time-table.*—A time-table, showing the hours of attendance, school instruction, work, meals, &c., as approved by the inspector, shall be kept conspicuously affixed in every schoolroom.

7. *Discipline and Punishment.*—The superintendent of the school shall be authorised to punish any child attending the school in case of misconduct. Punishment may consist of forfeiture of rewards and privileges; confinement (not in a dark room) during school hours; or, in the case of boys, moderate personal correction. All punishments, with the fault committed, shall be recorded in a book kept for the purpose, to be laid before the managers at their meetings, and to be open to the inspector for examination.

8. *Recreation.*—The children shall be allowed two hours daily for recreation and exercise, and may be taken out for exercise beyond the boundaries of the school.

9. *Visitors.*—The school shall be open to the inspection of visitors at convenient times to be fixed by the managers.

10. *Journal.*—The superintendent shall keep a journal in which he shall record all that passes of any importance, to be laid before the managers at their meetings and the inspector on his visits.

11. *Inspector.*—All books and journals of the school shall be open to the inspector for examination, and if he think it necessary, he may examine any teacher employed in the instruction of the children. His consent shall be necessary to the appointment of the principal schoolmaster and schoolmistress; and previous notice shall be given to him of the appointment or discharge of the superintendent, and of the discharge of the principal schoolmaster and schoolmistress.

12. *Registers, Returns, &c.*—The superintendent shall keep a register of admissions with such particulars concerning the parentage and previous circumstances of each child as may be found requisite.

He shall also keep a register of the attendances, distinguishing therein the children according as they are sent under orders of detention, or under attendance orders, or attend without any order of Court. He shall submit such register of attendances, duly vouched by himself and the managers, to the examination of the inspector at the end of each quarter, and at such other times as the inspector may require. He shall also regularly send to the office of the inspector such returns and accounts as may be required, and in the month of January in each year a full statement of the receipts and expenditure of the school for the year ended on the 31st day of December previous, showing all debts and liabilities duly vouched by the manager.

13. *General.*—The officers and teachers of the school shall maintain the discipline and order of the school, and carefully attend to the instruction and training of the children in conformity with these rules and the provisions of the Order in Council of the 20th day of March, 1877, and the children shall comply with these rules and obey the officers and teachers of the school.

In pursuance of the Elementary Education Act, 1876, the Secretary of State has made the following regulations:—

1. In the case of a child sent to a certified day industrial school under an attendance order or without an order of Court, the sum which his parent shall undertake to pay towards the industrial training, elementary education, and meals of such child shall be 1*s.* a week.

2. An attendance at a certified day industrial school shall not count for the purpose of the First Schedule to the Elementary Education Act, 1876, unless it comprise three hours of secular instruction.

WHITEHALL, 10*th April*, 1877.

THE ELEMENTARY SCHOOL TEACHERS SUPERANNUATION RULES, 1899. DATED 1ST APRIL, 1899.

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Elementary School Teachers (Superannuation) Rules, 1899.

Rules dated 1st April, 1899, made by the Treasury and the Education Department for carrying into effect the Elementary School Teachers (Superannuation) Act, 1898.

The following rules shall have effect under the Elementary School Teachers (Superannuation) Act, 1898 (in these rules referred to as "the Act"):— 61 & 62 Vict. c. 57.

General.

1.—(1.) These rules may be cited as the Elementary School Teachers Superannuation Rules, 1899. Short title, commencement, and extent.

(2.) These rules shall come into operation at the same time as the Act comes into operation, and that time is in these rules referred to as the commencement of these rules.

(3.) These rules shall not apply to Scotland.

2.—(1.) In these rules, the expression "contribution" means the contribution required by the Act to be made by a teacher to the deferred annuity fund, and the expression "annuity" means the annuity payable to a teacher under the Act out of that fund. Interpretation.

(2.) The expression "school year" means the year or other period for which an annual parliamentary grant is for the time being paid or payable under the Education Code.

(3.) Expressions to which special meanings are attached by the Act have, unless the context otherwise requires, the same respective meanings in these rules.

(4.) The Interpretation Act, 1889, applies for the purpose of the interpretation of these rules as it applies for the purpose of the interpretation of an Act of Parliament.

3. Any application to be made or any notice, document, or other communication to be sent to the Treasury(*a*), Education Department(*a*), or Paymaster-General(*a*), under these rules, shall be so made or sent by post, and if it is to be made or sent to the Treasury through the Education Department, or Paymaster-General, shall be directed to the Education Department, or Paymaster-General, as the case may be. Sending of notices, &c.

4. The Treasury may, subject to the provisions of the Act, on the application of any person interested, alter or extend any time at or within which any thing is required to be done under these rules if they consider that there are reasonable grounds for the application. Extension of time.

5. The Education Department or the Paymaster-General, as the case may be, will supply to any teacher, on his application, such Supply of forms.

(*a*) Applications, &c., should be addressed to the Secretary to the Treasury, or the Secretary to the Education Department, or the Paymaster-General (as the case may be), London, S.W.

forms as they think fit, for use by the teacher for the purpose of these rules and, if they think fit, may require a teacher, for the purpose of these rules, to use the forms so to be supplied.

Evidence of Physical Capacity and Age.

Medical certificate of physical capacity.

6.—(1.) For the purpose of satisfying the Education Department of his physical capacity a person applying after the commencement of the Act to be recognised by that Department as a certificated teacher must be examined by a medical officer nominated for the time being by the Department.

(2.) Lists of the medical officers so nominated for the time being can be obtained on application to the Education Department.

(3.) The examination must take place—

(a.) in the case of a person who applies to be examined for a certificate, not earlier than the 1st day of April and not later than the 1st day of June in the year in which the second year's certificate examination is to take place.

(b.) in the case of a person who applies to be recognised as a certificated teacher without examination, within the time fixed by the Department when the application for recognition is received.

Evidence of age.

7.—(1.) A person applying after the commencement of the Act to be recognised by the Education Department as a certificated teacher must produce to the Department evidence of his age, by means of the certificate of a registrar of births and deaths, or, failing such a certificate, by some other means sufficient in the opinion of the Department.

(2.) The evidence must be produced—

(a.) in the case of a person who applies to be examined for a certificate, at the time of the application to attend the second year's certificate examination; and

(b.) in the case of a person who applies to be recognised as a certificated teacher without examination, at the time of the application for recognition.

Calculation of Average Salaries.

Calculation of average salaries of teachers.

8. The average salaries of certificated teachers shall be calculated for the purpose of sub-section 3 of section 1 of the Act by dividing the total of the sums given in the returns made by the managers of schools to the Education Department as the professional incomes of men and women teachers respectively by the number of men or women teachers in respect of which the returns are so made.

Recorded Service.

Recorded service.

9.—(1.) Such service as is recorded by the Education Department in the capacity, within the meaning of the Education Code,

either of a teacher in a training college, or of an organising teacher, or of teacher of a central class of pupil teachers, or of teacher in a certified reformatory or industrial school, will be included for the purpose of the Act as "recorded service."

(2.) In addition to such service as is specially mentioned in subsection 5 of section 1 of the Act, service in the capacity of teacher in a central class for the instruction of scholars on the registers of public elementary schools in any subject which under the Education Code may be taught off the school premises shall, if recorded by the Education Department, be recorded service for the purpose of the Act.

Payment of Contributions.

Deductions from annual grant in the case of teachers in schools, &c., to which a grant is made.

10.—(1.) The Education Department shall deduct from any grant payable by them to any public elementary school at the close of any school year an amount equal to the contributions due from the certificated teachers employed in the school for that year or any part of that year in which they have been so employed.

(2.) The Education Department shall similarly deduct from any grant payable by them to any residential training college at the close of the year for which the college accounts are made up an amount equal to the contributions due from the certificated teachers employed in the college for that year or any part of that year in which they have been so employed.

(3.) The Secretary of State shall deduct, from any grant payable by him to any reformatory or industrial school at the close of the year ending the 30th day of September, an amount equal to the contributions due from the certificated teachers employed in the school for that year, or any part of that year in which they have been so employed, and shall pay the amount so deducted to the Education Department.

(4.) The Education Department or Secretary of State in forwarding any grant payable by them to the managers of the school or college shall forward with it the receipt of the Education Department for the deductions made, specifying separately the deduction made on account of each teacher, and the managers of the school or college shall, if required by any such teacher within one year of the receipt being so forwarded, give the teacher a copy of so much of the receipt as relates to him.

(5.) The contributions so deducted shall be treated for the purpose of the tables under section 4 of the Act as having been paid in the case of teachers in public elementary schools in receipt of a grant from the Education Department on the day following the end of the school year, and in the case of teachers in

residential training colleges on the 1st day of July before the date of the payment of the grant from which the contribution is deducted, and in the case of teachers in reformatory and industrial schools on the day following the close of the year for which the deductions are made.

(6.) When a teacher becomes entitled to an annuity, any contributions due from him which, but for this provision, would have been made by deduction shall not be so made by deduction but shall be paid direct by the teacher to the Education Department.

(7.) No deductions on account of contributions will be made until the expiration of six months after the commencement of these rules, and accordingly the first deductions made under these rules will be made in respect of contributions due during the period between the commencement of the Act and the end of the first school year or other period when deductions are made.

(8.) Where a teacher's contribution should be paid by means of a deduction under this rule, no other mode of payment will be recognised, and no sum paid on account of any such contribution direct to the Education Department or otherwise than by means of the deduction will be received by the Department, except in a case where the deduction should have, but has not actually, been made.

Payment of contributions in case of other teachers.

11.—(1.) Where a teacher is employed in recorded service which is not service in respect of which deductions for contributions can be made under the preceding rule, he must send notice of the fact that he is so employed to the Education Department, if possible, before the 15th day of August in each year during which or part of which the employment continues, and shall while he is so employed directly or through his employers send to the Education Department before the 15th day of September in any year the amount due on account of his contribution up to the 31st day of July in that year.

(2.) A teacher so employed shall give to the Education Department such information with regard to his employment as they may require.

(3.) Any contributions so paid before the 15th day of September in any year shall be treated for the purpose of the tables under section 4 of the Act as having been paid on the previous 1st day of August.

Provision where payments in respect of contributions have not been made.

12.—(1.) Where a payment on account of a contribution has not been made in accordance with these rules by reason either of a deduction not having been made when it should have been made, or of the omission of the teacher to make a contribution, or otherwise, the teacher from whom the contribution is due shall either pay the amount due direct to the Education

Department, or, if he is employed in a public elementary school or a residential training college in receipt of a grant, authorise the Department, or in the case of reformatory or industrial schools, the Secretary of State, to add the amount so due to the deduction next made on account of his contribution.

(2.) Any contribution paid under this rule direct to the Education Department shall be treated for the purpose of the tables under section 4 of the Act as having been paid on the day on which it is received.

Intervals of recorded service.

13.—(1.) A certificated teacher shall be permitted to pay contributions in respect of any interval not being longer than six months between his employments in recorded service, and, where contributions are so paid in respect of any such interval, that interval shall, for the purpose of determining the amount of any annuity or allowance, be reckoned as recorded service.

(2.) Where a teacher desires to pay any such contributions in respect of an interval, he shall, on resuming recorded service, give notice to the Education Department that contributions are to be paid in respect of the interval, and the amount of contributions so due shall be added to the payment or deduction next made on account of contributions.

Estimating amount of contributions for periods less than a year.

14. In estimating the amount of contributions to be paid or deducted for a period of recorded service less than a full year, one-twelfth part of the annual contribution shall be paid or deducted for each month, or part of a month not less than fifteen days, of recorded service completed, but no payment or deduction shall be made or accepted for any part of a month less than fifteen days of such recorded service.

Disablement Allowance.

Mode of making application for a disablement allowance.

15.—(1.) An application by a teacher for a disablement allowance must be made by him to the Treasury through the Education Department, but if the teacher is of unsound mind, or otherwise unable, in the opinion of the Education Department, to make the application himself, the application may be made by any other person on his behalf.

(2.) The application must be sent to the Education Department, and if made in manner required by this rule will be submitted by them to the Treasury.

(3.) Where an application is made on behalf of a teacher by another person, the reasons for the application not being made by the teacher himself must be stated in the application, and the Education Department may refuse to submit any application to the Treasury if those reasons are not in their opinion sufficient.

(4.) The Education Department will, as soon as may be, inform

a teacher applying for a disablement allowance, or any person making an application on behalf of a teacher, of the decision of the Treasury with regard to the application, and will also inform the managers of the school at which the teacher was last employed.

Medical examination and report.

16.—(1.) A teacher applying for a disablement allowance must, except as otherwise provided by this rule, submit himself for special medical examination to a medical officer chosen by the Education Department, whose name and address will be given to the teacher by that Department.

(2.) Where a teacher is an inmate of a public lunatic asylum, a special medical examination will be dispensed with, and the report of the medical officer of the asylum will be accepted by the Education Department in lieu of the report of the medical officer chosen by that Department.

(3.) The Education Department may also dispense with the special medical examination in any case in which a medical report sufficient in their opinion is furnished to them as to the condition of the teacher, and in which they are satisfied that the special medical examination is owing to exceptional circumstances inexpedient or impracticable, and may accept the medical report so furnished in lieu of the report of the medical officer chosen by the Education Department.

(4.) The report under this rule of a medical officer chosen by the Education Department, and any medical report accepted by the Education Department in lieu thereof, must state—

(a.) whether in the opinion of the person making the report the teacher has or has not become permanently incapable owing to infirmity of mind or body of being an efficient teacher in a public elementary school; and

(b.) whether in the opinion of the person making the report the infirmity of the teacher has or has not been caused or increased by the teacher's own misconduct or default.

Information to be furnished as to certain matters.

—(1.) A teacher applying for a disablement allowance, or if the application is made on behalf of the teacher by any other person, the person making the application must furnish to the Education Department a statement stating particulars—

(a.) as to the number of years of the teacher's recorded service, and the number of years which have elapsed since the teacher became certificated; and

(b.) as to the dates on which any periods of recorded service have commenced and ended; and

(c.) as to the pecuniary circumstances of the teacher; and

(d.) if the teacher is a woman, as to whether the teacher is or has been married or not.

2.) The Education Department may in any case require the statement to be verified by further evidence, or by a

statutory declaration or otherwise in such manner as they think fit.

Medical report, particulars, and certificate to be submitted to Treasury.

18.—(1.) The Education Department on submitting an application for a disablement allowance to the Treasury shall submit to them the report of the medical officer after the special medical examination required by these rules, or the medical report accepted in lieu thereof, and the statement of particulars furnished to them by the teacher, and shall also submit their own report upon the case.

(2.) The Education Department shall certify to the Treasury—

(a.) whether the teacher has served a number of years of recorded service not less than ten, and not less than half the years, which have elapsed since he became certificated or not; and

(b.) whether the teacher has at the date of the application been for more than the time fixed by these rules unemployed in recorded service or not.

Matters of which Treasury are to be satisfied.

19.—(1.) Before granting a disablement allowance the Treasury must be satisfied by the certificate of the Education Department—

(a.) that the teacher has served a number of years of recorded service not less than ten, and not less than half the years which have elapsed since he became certificated; and

(b.) that the teacher has not at the date of the application been for more than the time fixed by these rules unemployed in recorded service;

and must also be satisfied that the teacher has become permanently incapable, owing to infirmity of mind or body, of being an efficient teacher in a public elementary school, and is not excluded by the disqualifications provided by these rules.

Period during which teacher has been unemployed at date of application.

20. The time during which a teacher, in order to obtain a disablement allowance, must not at the date of the application for the allowance have been unemployed in recorded service is one year, or such extended time as the Treasury on the report of the Education Department may allow in cases where they are satisfied that there is a sufficient cause for an application not having been made within one year after the termination of the teacher's recorded service.

Disqualifications for disablement allowance.

21. The following disqualifications shall have effect as regards the grant of disablement allowances:—

(1.) A teacher shall be disqualified for the grant of an allowance if he is not in pecuniary need of it, and shall be disqualified for a grant of part of an allowance if he is not in pecuniary need of that part.

(2.) A teacher shall be disqualified for the grant of an allowance if his infirmity has been wholly caused by his own misconduct or default, and, if his infirmity though not

wholly so caused has been increased by his own misconduct or default, shall be disqualified for the grant of such part of the allowance as the Treasury think fit.

(3.) A teacher who is a woman and has married since her last employment in recorded service shall be disqualified for the grant of an allowance.

Payment of disablement allowances.

22.—(1.) A disablement allowance, if granted, will be payable from the date on which the application reached the Education Department, or from the date on which the teacher's paid service has ceased, whichever is the later date.

(2.) Service after the date on which the application for a disablement allowance has reached the Education Department will not be reckoned as recorded service for the purpose of that allowance.

Provision as to discontinuance of allowance.

23.—(1.) The Treasury may suspend, determine, or reduce any disablement allowance, if at any time after the grant thereof, whether on the periodical reconsideration of the allowance or not, they are satisfied that any of the following disqualifications apply, namely:—

(a.) that the teacher has ceased to be incapable, owing to infirmity of mind or body, of being an efficient teacher in a public elementary school;

(b.) that the teacher has ceased to be in pecuniary need of the allowance, or of any part of it;

(c.) that the teacher, if a woman, has married.

(2.) Any application on behalf of a teacher for the resumption of the payment of a disablement allowance which has been suspended, shall be made to the Treasury through the Education Department.

Documents to be sent for the periodical reconsideration of the allowance.

24.—(1.) For the purpose of the periodical reconsideration of a disablement allowance, the following documents shall be sent by or on behalf of the teacher in receipt of the allowance to the Treasury through the Paymaster-General before the day for the quarterly payment which comes next before each completed period of three years from the commencement of the allowance.

(a.) A certificate of a qualified medical practitioner stating whether or not the teacher is still incapable owing to infirmity of mind or body of being an efficient teacher in a public elementary school.

(b.) A statement of the teacher's income from all sources;

(c.) A statement by the teacher, or in the case of his being of unsound mind or practically incapable of making the declaration, by some person on his behalf—

(i.) that the circumstances of the teacher are such that he is still in pecuniary need of the allowance; and

(ii.) that the teacher, if a woman, has not married during the period to which the documents relate.

(2.) A disablement allowance is granted on the condition that the requirements of these rules as to the sending of documents for the purpose of the periodical reconsideration of the allowance are complied with, and if those requirements are not complied with, the Treasury may suspend, determine, or reduce the allowance as they think fit.

Payment of Annuities and Allowances.

Application for payment of annuities and grant of allowances.

25.—(1.) Where a teacher claims to be entitled to an annuity, he must send to the Treasury, through the Education Department, an application for the payment of the annuity, and, if he wishes for the grant of an annual superannuation allowance, for the grant of that allowance, and shall send with the application particulars as to his age and his years of recorded service since he became certificated.

(2.) As soon as the Treasury are satisfied that the teacher applying for the payment of an annuity is entitled to the annuity, they will direct the Paymaster-General to pay the annuity in manner provided by these rules, and send notice to the teacher through the Education Department that the direction has been given.

(3.) The Treasury will, as soon as may be, through the Education Department, send notice to the teacher applying for the grant of an annual superannuation allowance of their decision in the matter, and if the allowance is granted will direct the Paymaster-General to pay the allowance in manner provided by these rules.

(4.) A teacher making an application under this section must give the Treasury any information they may require in addition to the particulars furnished by him on his application.

Payment of annuities.

26.—(1.) An annuity or allowance under the Act shall be considered as accruing from day to day, but shall be payable by equal quarterly payments at the close of each quarter ending on the quarter days mentioned in this rule.

(2.) Where an annuity or allowance begins or ends during a quarter, an apportioned part of the annuity or allowance shall be payable on the quarter day after the annuity or allowance has begun or ended, calculated according to the number of days in the quarter.

(3.) The quarter days for the purpose of this rule are the 31st day of March, the 30th day of June, the 30th day of September, and the 31st day of December.

(4.) Payments on account of annuities or allowances under the Act will be made by the Paymaster-General, and, if the Paymaster-General makes arrangements for the purpose, may be made locally.

(5.) Such evidence of the life and identity of a teacher must be produced to the Paymaster-General as he may require before making any payment to or on account of the teacher.

Contributions to be fully paid up.

27. No sum will be paid on account of any annuity or allowance to a teacher unless all the contributions due from him in respect of the annuity have been fully paid.

Payments on Death or Incapacity of Teacher.

Payments on death of teacher.

28.—(1.) Where on the death of any teacher any sum is due to his estate on account of any annuity or allowance under the Act, the Treasury may, if probate or other proof of the title of the personal representative of the teacher is not produced to them within three months of the death, authorise the Paymaster-General to pay the sum due **as**, or distribute it amongst the persons appearing to the Treasury to be beneficially entitled to the personal estate of the teacher, and the Treasury and the Paymaster-General shall be discharged from any liability in respect of such payment or distribution.

(2.) Any person claiming to have a payment made to him under this rule must transmit to the Treasury through the Paymaster-General a statutory declaration showing the title under which he makes the claim, and such other particulars in relation thereto as the Paymaster-General requires.

Provision where teacher is of unsound mind or unable to give receipt.

29.—(1.) Where the Treasury are satisfied by the certificate of a justice of the peace, or minister of religion, and of a duly qualified medical practitioner, that a teacher in receipt of an annuity or allowance under the Act is of unsound mind or otherwise incapable of giving a receipt they may authorise the Paymaster-General to pay any sum due on account of any such annuity or allowance, partly to the institution or person having the care of the teacher, partly for the benefit of the wife, husband, or relatives of the teacher in such proportion and in such manner as the Treasury direct.

Provided that where any such teacher is maintained in any asylum or other institution supported out of local rates, any sum due on account of a superannuation or disablement allowance shall be applied towards the maintenance of the teacher before it is applied for the benefit of the wife, husband, or relatives of the teacher, and any sum due on account of an annuity shall be applied towards the maintenance of the wife (or children), if any, of a teacher dependent on him before it is applied towards the maintenance of the teacher.

(2.) Any application with regard to the payment of an annuity or allowance under this rule should be made to the Treasury through the Paymaster-General.

(3.) An authority given by the Treasury for the payment or

application of any annuity or allowance under this rule will remain in force until cancelled or varied, but will be cancelled or varied as occasion requires, and the Paymaster-General may at any time suspend any payment under the rule until he is satisfied that the circumstances are such as to justify the continuance of the payment.

Suspension of allowance where a teacher is supported out of public money.

30. Where a teacher becomes a pauper lunatic, or is otherwise wholly or partly maintained out of public money, so much of any allowance shall be suspended as is equal to the sum which the Treasury consider is contributed out of public money towards the cost of maintaining the teacher, or if that sum is equal to or greater than the allowance the whole of the allowance shall be suspended.

Option of existing Teachers to accept the Act.

Notice of option.

31.—(1.) The Education Department shall as soon as may be give to each existing teacher the option of accepting the Act—

(i.) by sending to any such teacher whom they know to be employed in recorded service a form of option; and

(ii.) by supplying any existing teacher who applies for such a form, or for information as to the exercise of the option, with such a form.

(2.) The Education Department shall also cause notices to be published by advertisement in such papers as they think fit calling the attention of existing teachers to their option under the Act.

Notice of acceptance of Act.

32.—(1.) If a teacher wishes to accept the Act he must give notice of his acceptance to the Education Department on the form provided for the purpose within six months after the commencement of the Act; but the Education Department may accept any such notice (if given within one year after the commencement of the Act) in any case in which in the opinion of the Education Department there was a reasonable cause for the omission to give the notice within the six months.

(2.) A teacher shall be taken to have accepted the Act as from the date on which the notice of acceptance is posted.

Evidence of age where teacher accepts Act.

33. The Education Department may require any existing teacher who accepts the Act to furnish evidence of age satisfactory to the Department, and the Treasury may refuse to pay any annuity or allowance to a teacher who has failed to comply with any requirement of the Education Department under this rule.

Medical Examinations.

Expenses of medical examination.

34.—(1.) A medical officer nominated or chosen by the Education Department will be bound to make any medical examination

ELEMENTARY SCHOOL TEACHERS (SUPERANNUATION) ACT, 1898.

WOMEN.

TABLE showing the AMOUNT of ANNUITY, payable quarterly, from the attainment of the age of sixty-five years, in return for a contribution made by or on behalf of a woman teacher of the age under-mentioned.

NOTE.—Fractions of fourpence are to be omitted in the total annuity to be granted for any series of contributions.

Age at which a Contribution is treated as having been paid (Rules 10 (5.), 11, 12 and 13 of 1899).	Amount of Annuity for a Contribution of £2.
	s. d.
20 and not exceeding 21	15 9
21 ,, 22	15 4
22 ,, 23	14 11
23 ,, 24	14 6
24 ,, 25	14 1
25 ,, 26	13 9
26 ,, 27	13 4
27 ,, 28	13 0
28 ,, 29	12 7
29 ,, 30	12 3
30 ,, 31	11 11
31 ,, 32	11 7
32 ,, 33	11 3
33 ,, 34	10 11
34 ,, 35	10 7
35 ,, 36	10 3
36 ,, 37	10 0
37 ,, 38	9 8
38 ,, 39	9 5
39 ,, 40	9 1
40 ,, 41	8 10
41 ,, 42	8 7
42 ,, 43	8 4
43 ,, 44	8 0
44 ,, 45	7 9
45 ,, 46	7 7
46 ,, 47	7 4
47 ,, 48	7 1
48 ,, 49	6 10
49 ,, 50	6 7
50 ,, 51	6 5
51 ,, 52	6 2
52 ,, 53	6 0
53 ,, 54	5 9
54 ,, 55	5 7
55 ,, 56	5 4

WOMEN—*continued.*

Age at which a Contribution is treated as having been paid (Rules 10 (5.), 11, 12 and 13 of 1899).	Amount of Annuity for a Contribution of £2.
	s. *d.*
56 and not exceeding 57	5 2
57 ,, 58	4 11
58 ,, 59	4 9
59 ,, 60	4 7
60 ,, 61	4 4
61 ,, 62	4 2
62 ,, 63	4 0
63 ,, 64	3 10
64 ,, 65	3 7

Circular 424.

ELEMENTARY SCHOOL TEACHERS (SUPERANNUATION) ACT, 1898.

EXPLANATORY MEMORANDUM.

The Elementary School Teachers (Superannuation) Act, 1898, comes into operation on April 1st, 1899. In view of the importance of the Act to teachers, and all persons concerned in their employment, it has been thought desirable to explain, as clearly and shortly as may be, the nature and scope of its chief provisions.

I.—SCOPE OF THE ACT.

1. In order to be eligible for the benefits of the Act, a person must (i.) be a teacher who is recognised under the Education Code as a *certificated* teacher for public elementary schools; (ii.) serve in *recorded service*.

"Recorded service" is defined by section 1 (5.) of the Act, together with rule 9 of the rules under the Act; and the effect of the provisions made therein is to include as recorded service, service in the following capacities:—

(a.) Of a teacher in a public elementary day school (including schools for the blind and deaf, certified by the Education Department, and certified efficient schools).

(b.) Of a teacher in a training college .. ..
(c.) Of an organising teacher .. .. } within the meaning of the Code.
(d.) Of a teacher of a central class for pupil teachers .. ..

(e.) Of a teacher in a central class in any of the subjects in which the attendances of scholars are registered for the purpose of article 12 (f.) of the Code (*a*).

(f.) Of a teacher in a certified reformatory or industrial school.

Recorded service is also limited in point of the time during which it may continue; no service after a teacher attains the age of sixty-five years can be recorded service for the purpose of the Act.

2. Teachers serving in recorded service are divided by the Act into two classes—teachers certificated before April 1st, 1899 (called in the Act "existing teachers"), and teachers certificated after April 1st, 1899, who, by way of distinction, will be denominated "future teachers." As the position of a teacher under the Act varies according to the class to which he or she belongs, it will be convenient to consider each class separately.

The Position of "Existing Teachers" under the Act.

Existing teachers have the option of accepting the Act (section 5 (1.)). This option must be exercised in all ordinary cases within six months from April 1st, 1899, and cannot under any circumstances be delayed longer than March 31st, 1900 (section 5 (1.) and rule 32).

It should be observed that all teachers recognised as certificated before April 1st, 1899, whether they are at present serving or not, may accept the Act; and that the acceptance does not bind any teacher to resume service in the future, although it may be necessary for him to do so if he is to benefit under the Act.

A Form of Option, together with a detailed explanation of the provisions of the Act which specially affect existing teachers, may be obtained on application to the Secretary, Education Department, Whitehall, S.W.

It is desirable to call attention here to the effect of the acceptance upon the duration of the teacher's certificate. The certificate of a teacher who is sixty-five years of age or over at the date of his acceptance, and is eligible for the benefits of the Act, will expire on the date of his acceptance, unless the Education Department, on account of his special fitness, allows his service to continue for a further limited time, and subject to the same exception, the certificate of a teacher who is under sixty-five years of age at the date of

(*a*) The subjects named in article 12 (f.) of the Code for 1899, are the following:—

Drawing.
Manual instruction.
Science.
Suitable physical exercises, *e.g.*, swimming, gymnastics, Swedish drill.
Military drill, cottage gardening (for boys).
Domestic economy, practical cookery, laundry-work, dairy-work, practical housewifery (for girls).

acceptance, and who is eligible for the benefits of the Act, will expire on his sixty-fifth birthday.

The Position of "Future Teachers" under the Act.

The provisions of the Act are obligatory upon every teacher certificated after 1st April, 1899, so long as he serves in recorded service. He will not be recognised by the Education Department as a certificated teacher until the Department are satisfied of his physical capacity in the manner prescribed by the rules made under the Act (section 1 (1.) and rule 6); and his certificate will expire on his attaining the age of sixty-five years, or if the Education Department, on account of his special fitness, allow his service to continue for a further limited time, then on the expiration of that limited time (section 1 (2.) (*a*)).

II.—The Benefits Provided by the Act.

The benefits for which the Act makes provision are of three kinds: the Annuity, the Superannuation Allowance, and the Disablement Allowance.

The Annuity.

Every teacher, while serving in recorded service after 1st April, 1899, must contribute to the Deferred Annuity Fund (section 1 (2.) (b.)); and he may contribute to it for a break in his employment which does not exceed six months (section 6 (1.) (a.)). The rate of contribution at present is 3*l.* per annum for men, and 2*l.* for women (*a*). The contributions will in ordinary cases be deducted by the Department from the grant due to the school or institution in which the teacher is serving; and the managers have the power to deduct the amount of the contribution from his salary. "The receipt of the Education Department for the amount of a contribution paid by the employer of a teacher shall be a good discharge for the like amount of remuneration otherwise payable to the teacher" (section 3 (1.)).

Upon the teacher's attaining the age of sixty-five years he will become entitled to such annuity for the remainder of his life as is fixed by the tables under the Act (section 1 (2.) (c.)). The amount will depend on the number of his contributions and the various times at which they were paid; in order to ascertain it, the tables should be consulted.

It should be clearly understood that no return of any kind can be made for a teacher's contributions, unless he lives to the age of sixty-five years. The only return which can be then made is the

(*a*) By Treasury warrant, dated 26th December, 1900, the rate of contribution for a woman has been increased to two pounds four shillings a year from and after 1st April, 1901.

annuity due to himself. Under no circumstances whatever can the teacher or his relations have the contributions or any part of them returned in a lump sum. On the other hand, however few or broken a teacher's contributions may have been, the annuity, to which they entitle him, will be payable upon his reaching the prescribed age, whether he is then in service or not.

The Superannuation Allowance.

The Superannuation Allowance cannot become payable until a teacher has attained the age of sixty-five years, and it will be in addition to any annuity to which he is entitled. Unlike the annuity, however, it can only be obtained by a teacher whose years of recorded service upon his reaching the age of sixty-five are not less than half the number of years which have elapsed since he became certificated (section 1 (2.) (d.)). Thus, a teacher, who at the age of sixty-five, has been certificated for forty-four years, must have served twenty-two years in recorded service, if any allowance at all is to be awarded to him. The years of service, however, need not be continuous, nor is a teacher obliged to remain in service up till the age of sixty-five. As soon as he has completed the minimum amount of service required, he may, if he chooses, give up teaching. If he lives till the age of sixty-five, the allowance due in respect of his recorded service will be paid to him.

The allowance is liable to forfeiture, suspension, or reduction, in cases of misconduct (sections 8 and 10).

The rate at which the allowance is calculated varies according as the teacher is an existing or a future teacher. If he is a future teacher, it is calculated at the rate of ten shillings for each complete year of recorded service. If he serves forty complete years, he may thus be granted an annual superannuation allowance of 20*l.* for the remainder of his life. Any fractions of a year over the number of *complete* years served must be disregarded.

If he is an existing teacher, the rate of ten shillings may be augmented in the case of a man by threepence, and in the case of a woman by twopence, for each complete year of recorded service served before the commencement of the Act (section 5 (2.) (a.)).

The effect of this provision is that the allowance for each year of service in the case of an existing teacher is—

For men, 10*s.* + 3*d.* × number of complete years of service before 1st April, 1899;

For women, 10*s.* + 2*d.* × number of complete years of service before 1st April, 1899.

The annual pension due to masters at the age of sixty-five will thus be found by adding to 10*s.* as many threepences as years of service previous to 1st April, 1899, and multiplying the sum thus obtained

by the total number of years of service, whether before or after 1st April, 1899.

The annual pension due to mistresses will be found similarly, 2*d.* being substituted for 3*d.*

To illustrate this scale, suppose a total service of forty complete years, then the annual allowance which will be obtained will be the sum entered in the following table, according to the varying length of service before the 1st April, 1899.

Number of years served before 1st April, 1899, out of the total of 40 years.	State Pension.	
	Masters.	Mistresses.
	£ s. d.	£ s. d.
1	20 10 0	20 6 8
2	21 0 0	20 13 4
3	21 10 0	21 0 0
4	22 0 0	21 6 8
5	22 10 0	21 13 4
10	25 0 0	23 6 8
15	27 10 0	25 0 0
20	30 0 0	26 13 4
30	35 0 0	30 0 0
40	40 0 0	33 6 8

The Disablement Allowance.

The Disablement Allowance is intended to meet the case of a teacher who, before reaching the age of sixty-five, has become permanently incapable, owing to infirmity of mind or body, of being an efficient teacher in a public elementary school (section 2 (1.) (c.)). In order to satisfy the Treasury that this condition is fulfilled, he must submit to a medical examination, which, save in exceptional cases, will be conducted by an officer nominated by the Education Department (rule 16).

In order to be eligible for the allowance, a teacher thus incapacitated must satisfy certain further conditions.

1. He must have served "a number of years of recorded service not less than ten, and not less than half the years which have elapsed since he became certificated (section 2 (1.) (a.)).

Thus a teacher in whose case twenty years or less have elapsed since he became certificated, must have actually served at least ten years. If he has been certificated for twenty-two years, the minimum period of actual service which is required will be raised to eleven years; if for forty years, to twenty years.

2. At the date of his application for a Disablement Allowance, he must not have been for more than the prescribed time unemployed in recorded service (section 2 (1.) (b.)). In normal cases, the

application must be made within one year from the date of the teacher's last employment in recorded service, though an extension of this time may be granted under exceptional circumstances (rule 20).

3. He must produce evidence to show that he is not subject to certain disqualifications (section 2 (1.) (d.)), which are prescribed by rule 21, as follows:—

"(1.) A teacher shall be disqualified for the grant of an allowance if he is not in pecuniary need of it, and shall be disqualified for a grant of part of an allowance if he is not in pecuniary need of that part.

"(2.) A teacher shall be disqualified for the grant of an allowance if his infirmity has been wholly caused by his own misconduct or default; and if his infirmity, though not wholly so caused, has been increased by his own misconduct or default, shall be disqualified for the grant of such part of the allowance as the Treasury think fit.

"(3.) A teacher who is a woman, and has married since her last employment in recorded service, shall be disqualified for the grant of an allowance."

If these conditions are satisfied, the annual allowance which a teacher can obtain will be on the following scale:—

(a.) If the teacher is a man, twenty pounds for ten complete years of recorded service, with the addition of one pound for each complete additional year of recorded service; and

(b.) If the teacher is a woman, fifteen pounds for ten complete years of recorded service, with the addition of thirteen shillings and fourpence for each complete additional year of recorded service.

Thus a man who has served twenty complete years before breaking down, may obtain 30*l.* as his annual allowance; and a woman, who had served the same period, 21*l.* 13*s.* 4*d.* Under no circumstances, however, can the Disablement Allowance exceed the total annual sum which the teacher might obtain from an Annuity and Superannuation Allowance under the Act, by continuing to serve until the age of sixty-five years.

A Disablement Allowance will be reconsidered by the Treasury every three years, when the teacher must produce evidence to show that he is still qualified to retain it (section 2 (3.), and rule 24). If he is, then, or at any other time, found not to be so qualified, or if he is guilty of misconduct, it may be suspended, reduced or forfeited (sections 8 and 10 and rule 23 (1.)).

It should be observed, finally, that a teacher who is in receipt of a Disablement Allowance is excluded from obtaining any other benefit under the Act. If he still retains his allowance at the age of sixty-five years, no Annuity or Superannuation Allowance can be paid to him (section 2 (2.)).

The attention of school managers is specially directed to the passages on pages 24 and 25 of this Memorandum, which deal with the expiration of the certificates of teachers and the mode of payment of their contributions by deduction from the grant. It is not proposed to begin such deductions before October, 1899.

EDUCATION DEPARTMENT,
1st April, 1899.

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THE END.

BRADBURY, AGNEW, & CO. LD., PRINTERS, LONDON AND TONBRIDGE.